















SOUTHERN INSTITUTES;  
OR,  
AN INQUIRY  
INTO THE  
ORIGIN AND EARLY PREVALENCE  
OF  
SLAVERY AND THE SLAVE-TRADE:  
WITH AN  
ANALYSIS OF THE LAWS, HISTORY, AND GOVERNMENT OF THE INSTITUTION  
IN THE PRINCIPAL NATIONS, ANCIENT AND MODERN, FROM  
THE EARLIEST AGES DOWN TO THE PRESENT TIME.  
WITH  
Notes and Comments  
IN DEFENCE OF THE  
SOUTHERN INSTITUTIONS.

BY  
GEORGE S. SAWYER,

A MEMBER OF THE BAR OF LOUISIANA.

He that is despised, and hath a servant, is better than he that  
honoreth himself, and lacketh bread. — Prov. xii. 9.

PHILADELPHIA:  
J. B. LIPPINCOTT & CO.  
1858.

---

Entered, according to the Act of Congress, in the year 1858, by

**J. B. LIPPINCOTT & CO.,**

in the Clerk's Office of the District Court of the United States for the Eastern District  
of Pennsylvania.

---

## PREFACE.

---

IN presenting a treatise of this character to the public, it may not be improper to state the motives which have actuated the author, and the causes that have led to its production.

No one inured to the institutions, habits, manners, and customs of the South, can mingle to any considerable extent in social circles in portions of the free States, without coming in collision with sentiments and feelings that find no sympathy in his own heart — no welcome response in his own bosom. Repeated alterations of this character, within the last few years, have convinced him of the gross ignorance and misconception of the true spirit of our institutions, and of the facts of their details, that pervade public opinion generally in those sections of the Union. Born, and reared to the verge of manhood, in a New England State; educated at one of her oldest colleges; and having been for the last fifteen years a resident of Louisiana, and almost an annual sojourner for a season in some portion of the free States — the author has enjoyed the opportunity of becoming acquainted with the sources of information

accessible to the public, and with the misrepresentations and frauds practised to perpetuate these errors on the public mind.

The only hope or expectation of reward that he promises himself, is that of being able, to some extent, to expose the imposition and frauds of designing men and women, to elicit inquiry after the truth, and thus to assist in forming a sound and correct public opinion. Had it been his design to hire out his pen, after the common custom of those petty scribblers, who flatter popular error and pander to popular prejudice, for a trifling reward of pelf and fame, the author would have selected some subject more congenial to the vitiated taste of the age. It is the duty of every friend of the Union, as well as of every true lover of his country, to cast his mite of oil upon the troubled waters, however feeble be the effort and apparently powerless the effect—perchance he may do something to allay the angry billows of faction, to still the tempest of party conflict, and to assuage the acrimony of sectional animosities. We respectfully submit to the Southern people, if there is not too much apathy and indifference in literary and professional circles, in regard to the insidious influences of the combined system of our enemies to undermine our institutions and upheave our social fabric.

There is a large and respectable portion of the good citizens of the free States who are pledged to their country, and to one another, to put down all this disorganizing work of fanaticism, to protect our institu-

tions from all lawless interference, and to stand firmly by the constitutional rights of the South; and it is the duty of the Southern people to come to their aid, and to furnish them with all the information and all the legitimate means of defence in their power. Such is the principal object of this treatise. It has been carefully written, with the purpose of avoiding all sectarian views in morals, politics, and religion, and of preserving, as far as the author is capable, a high tone of moral and religious sentiment. In answering objections, and exposing error in its various forms, many facts have been cited, and much matter included in this inquiry, which might not be pertinent to an impartial history. So also many expressions have been used, *arguendo*, and numerous remarks made, *ex talione*, that might well be omitted in a purely literary treatise. For this we offer no apology but the just provocation given us by our opponents.

These essays were all prepared for the press as early as July, 1855 (as is well known in the book market); but it was thought advisable, by many of the friends of the South, to suspend their publication at that time, in the hope that the agitation of the entire subject might cease. Accordingly they have been withheld till the present time, vainly awaiting the long expected event. But, unfortunately, we have waited only to see the breach widen and the combat thicken. It is now conceded by all acquainted with the contents of this work, that the present crisis imperiously demands something of the kind. Consequently the author has endeavored to

modernize such portions of it as relate to the present time, by the insertion of some additional matter, as well as by appending notes and remarks upon passing events. Meanwhile, some of the grounds seem to have been partially occupied by others; but still no disposition is felt to change the main features of the book.

During the limited period that has been devoted to this work, burdened as he was with the duties of his profession, it has been impossible for the author to devote such care and attention to style, in all its parts, as might perhaps have rendered it more palatable to the general reader; but it being designed more as a practical delineator of facts and principles, than as a display of beautiful composition, greater attention has been devoted to the collection of the materials than to any polish in the style of their presentation and arrangement.

CONCORDIA, LA., *October 1, 1857.*



# AN ANALYTICAL TABLE OF CONTENTS.

---

INTRODUCTION.....	Page 13-16
-------------------	------------

## ESSAY FIRST.

### ON THE ORIGIN AND GENERAL PREVALENCE OF SLAVERY AND THE SLAVE TRADE.

The analogy of its origin to other principles of law — Its necessity in the early days of nations as a principle of human government—A penalty substituted for capital punishment, by the dictates of humanity — Its justice— Its early prevalence — Egyptian Slavery — Patriarchal Slavery and the Slave Trade — A principle of national law, founded on custom — The Slave Trade in Aneient Europe—The title of the master to his slave.....	16-29
--	-------

## ESSAY SECOND.

### ON HEBREW SLAVERY, OR SLAVERY IN THE OLD TESTAMENT.

The Old Testament as a code of civil laws — The relation of master and slave in the same — An analysis of the statutes of Moses upon — Did not create, but presuppose existence of — Its prevalence by the force of custom — The property of the master liable to be bought and sold—The distinction between the right of the master over slaves of Hebrew and foreign origin — Position and treatment of — Manner of becoming such — The government of the Hebrew nation — Its influence upon the character of their laws — The necessity for the consistency of the prophets with the laws of Moses..	29-59
---	-------

( vii )

## ESSAY THIRD.

## GREEK SLAVERY.

Its origin — Early use of terms to denote slaves — Founded upon custom, or the law of nations — Argument of Aristotle in support of—His definition of—Mode of becoming such—Remarks of Plato upon — Notes of reference to, and passages from, original authors — An analysis of the laws of Greece upon — Position and treatment of — Punishments, &c. — Number of — Classes and various employments of — Value of — Mode of selling — Nations from which they were obtained—Instances of voluntary slavery—Analogy between Greek and Hebrew Slavery — Use of the words <i>δουλος</i> and <i>δικετης</i> .....	50-68
--	-------

## ESSAY FOURTH.

## ROMAN SLAVERY.

Recognized by the force of custom — Approved by most humane writers — Definition of a slave by the Roman code — Manner of becoming such — Nations from which they were principally obtained — Difference between treatment and use of Greek and Roman slaves — The immense number of — Numerous classification — Position, rights, and mode of treatment of — Ergastula — Various modes of punishment — Power of life and death over, by the master — Character of Roman ladies towards — Various quotations from Roman authors in notes upon — Its vast extent through the Provinces, and the vast number in the Empire, at the commencement of the Christian Era.....	69-98
---	-------

## ESSAY FIFTH.

## SLAVERY IN THE NEW TESTAMENT.

The relation of Christianity to the institutions of civil government—Only points of conflict—The influence of Christianity	
--	--

in vindicating moral and religious principles, and consistency with Christian rectitude—Various instances of conflict with civil institutions upon these points—Instances of the gainsayings of Jesus Christ and his Apostles of the civil laws—Instances of the approval of the relation of master and slave—Figures of illustration drawn from—The Epistles of Peter and Paul to the various places, persons and churches to whom they were directed, considered—Analysis of the laws and government of the Church upon, from canons of, &c.—History of the English word “slave”—The reason why it is not used more frequently in the Bible—Numerous quotations from Greek authors to show that <i>δουλος</i> means a slave.....	99-132
--	--------

## ESSAY SIXTH.

### SLAVERY IN THE MIDDLE AGES.

Tacitus' description of German Slavery—Slavery among the Lombards in Italy—Among the French in Gaul—Among the Goths—Force of national law—Analysis of their various laws—Slavery in France—Instances and manner of emancipation—Slavery in Britain—Slave Trade there—Classification from Doomsday Book—Continued down to a late period—Also in France—African Slave Trade commenced by Portuguese—Slavery of the Indians of America—Spain engages in the same traffic—Royal Ordinance authorizing negro slavery in America—Causes that abolished the slavery of these nations.....	133-147
--	---------

## ESSAY SEVENTH.

### MORAL ATTITUDE OF SLAVERY IN THE UNITED STATES.

“Whatsoever ye would that men should do to you,” &c., considered with reference to—Objections stated and considered—“Hath made of one blood,” &c., comments upon—Criticism upon translation of the original of—The doctrine of the unity, equality, and common origin of mankind, consi-
--

dered with reference to physical facts—Physical and intellectual condition of Africa and the Africans—Physical and mental facts relative to the unity theory—Description of the various divisions and tribes of Africa, at some length—Physical and moral impossibilities relative to their Asiatic origin—The social and political history of the negro race—Incapacity for native improvement—Contrasted with other nations—Cause of their inferiority seated in their physical organization—Anatomical facts relative to—Correspondence of their anatomical structure with their mental and moral character .....	147-201
--	---------

## ESSAY EIGHTH.

### THE RELATIVE POSITION AND TREATMENT OF NEGROES.

Origin of Negro Slavery—Slavery in Africa—Slave Trade designed originally as a blessing to—Countenanced upon principles of national law .....	201-205
---	---------

#### ORIGIN OF SLAVERY IN THE UNITED STATES.

It came here through the force of custom—Opposed by the Colonists—Remark of Jefferson upon—Number of slaves at the adoption of the Constitution—"All men are created equal," &c., considered—Not original with Jefferson—Original meaning of, perverted by him—Value of slaves at that time—Government could not pay .....	205-211
--	---------

#### THE POSITION AND TREATMENT OF THE SLAVES.

Definition of—Fiction of law relative to the idea of property in—The power of the master to sell, a blessing to the slave—Is not a <i>chattel</i> —Slavery the happiest condition the negro can have in this country—Their employment, food, clothing, punishment, and general mode of life—Their <i>peculium</i> —Opportunities they have to acquire—Religious privileges—Their chastity protected, as much as possible—Families are not generally separated, laws against—The Southern master the only true friend of the slave—Difference between the position of free blacks at the North and at the South—Some objections answered .....	211-236
---	---------

## ESSAY NINTH.

## THE ABOLITIONISTS: CONSISTENCY OF THEIR LABORS.

Who is meant by— Errors and misrepresentations of stated — Injustice of charging slavery with its abuses — The same might be applied to marriage, &c.— Instances cited .....	236-248
--	---------

## BRITISH SLAVERY.

The Press-gang, horrors of — Philosophical definition of slavery.....	248-249
--	---------

## SLAVERY OF THE AGRICULTURAL PEASANTRY OF BRITAIN.

Their low wages, miserable hovels, food, clothing, &c. — Con- dition of Irish peasants — Impossible to extricate them- selves .....	249-256
---	---------

## SLAVERY IN THE BRITISH MINES.

The colliers' condition — Male and Female — Infants — In- stances of most revolting scenes of barbarism, from Report of Commissioners.....	256-262
--	---------

## SLAVERY IN BRITISH MANUFACTORIES.

Account of the trials, hardships, and sufferings of the opera- tives, at some length, compiled from English authorities.....	262-271
---	---------

## BRITISH SLAVERY IN GENERAL.

This account includes all their work-shops, street begging, domestic service, &c. ....	271-275
---	---------

## SLAVERY WORK-HOUSE SYSTEM.

Number of paupers in — Miserable condition of the Irish pea- santry — Coolie Trade to the West Indies — Their con- dition .....	275-280
---	---------

## SLAVERY IN BRITISH INDIA.

The tea and opium trade, salt monopoly, and all their attend- ant consequences upon the poor natives — Sympathy of the Abolitionists with — The history of conscience.....	280-293
--	---------

## ESSAY TENTH.

## THE POLITICAL AND JUDICIAL ATTITUDE OF SLAVERY IN THE UNITED STATES.

Remarks upon the Dred Scott case—Criticism upon dissenting opinions — Definition of slavery further considered — Exposition of the master's right of property in a slave, or of chattel slavery—Laws of different Slave States for the protection of slaves quoted, in a note— The power of the master to sell and alienate the services of, a blessing to the slave — The right of property in the services of the slave, and to control his person so far, exists at common law — It is recognized by the earliest decisions of the Courts of England—Numerous decisions and Acts of Parliament quoted— The same in this country — Decisions of Massachusetts and others — The foundation of the title of the master to .....	293-332
---	---------

## COLONIAL SLAVERY IN THIS COUNTRY.

Their "fugitive slave law"—Their Slave Trade, foreign and domestic — Early manifestations upon, after formation of the Union — Early legislation upon — Ordinance of 1787 — Convention—Missouri Compromise — First violated by Abolitionists — Non-intervention — The rights of the South — Abolition and Free-Soilism with reference to the Union and its future prospects.....	332-388
APPENDIX .....	389-393

# SOUTHERN INSTITUTES.



## INTRODUCTION.

It is essentially the highest genius of the statesman and political philosopher to place human institutions and human progress upon their true foundation. Government, laws, and the organic principles of society owe their perpetuity and advancement to the true theory of their existence. History is his only measure of human experience; and the experience of the past can alone light the dark pathway of the future. The smoke and din of turmoil and commotion may for a while overshadow its radiance, but to the undeviating eye of philosophy and truth, it gradually reveals its twilight beams far in the dim distance, and they brighten upon his view like constellations in the celestial fields upon the steadfast gaze of the astronomer. The eye of the true statesman and political philosopher is the eye of faith; it pierces the dim war-clouds of contending factions, penetrating into regions of pure truth, into higher and more ample fields of being, and then basks in balmy daylight as calm and peaceful as summer sunshine, after the angry thunder-storm has spent its fury and passed away. The theory of the South has seldom yet been founded in truth, nor the philosophy of her institutions put upon its true ground.

The faithful student of history will find, in the arrangement of the following essays, such a continued chain of events in the history of slavery and the slave-trade, as to show the analogy of their origin and principles to those of all other laws and institutions, and that they came down to us as well authenticated by custom and usage, sanctioned, proved, and improved by the wisdom and experience of ages, as any other right rule or relation of mankind towards one another. He will find from such

a source and from such authority the substantial relation of master and slave as necessary a regulation in the order of human government as any other that enters into the organization of society. In the history of this relation, the philosophy of Aristotle upon the relation of mankind towards one another is strikingly verified, "It is the province of mind to rule and of matter to serve, of the strong to command and of the weak to obey." This is a fixed fact in the philosophy of human nature and lays at the foundation of all human progress.

Is it asked upon what principle slavery can be justified? It is upon the principle of the superiority of mind over matter, of intellect and intelligence over instinct and brute force. As the cause of this inequality lies beyond all human control and beyond all human conceptions of right and wrong, so does the substantial relation of master and slave. As well might we be called upon to uphold or condemn sickness as health, sanity as insanity, the sense of hearing as deafness, seeing as blindness, idiocy as sound sense, folly as wisdom; and a thousand other mental and physical imbecilities and their attendant consequences, incident to mankind, that arise wholly from the imperfections of human nature. These must all alike remain fixed facts in the philosophy of human nature, beyond the reach of human laws, or remedy by human means. Laws and regulations relate to them only upon the true principle of self-government—the greatest amount of good to the greatest number. The highest office of the philosopher, statesman, or reformer, is to adopt the best possible means for the accomplishment of a given end, which implies an adequate knowledge of the cause of the evil sought to be remedied; and as an essential principle of self-government, the State where the remedy is sought should be the arbiter of its own policy.

But the world is full of visionary theorists and Utopian dreamers, who set themselves up as the *custos morum* of all. These transcendentalists live too much in the ideal regions of fancy, beyond the reach of practical reason, truth, and the sober realities of life. Mistaking the world of men and things as they really are, for a fanciful sketch, as they vainly conceive it should be, they erect an ethereal standard of right, moralize in higher elements, legislate upon higher principles and govern by "higher laws," than practically relate to this sublunary world. Talent, for practical usefulness and motive power, everywhere degenerates under their influence. Behold Massachusetts! "There is her history! The world knows it by heart." Once the home of statesmen and of jurists; the proud emporium of



law, literature, and learning. But alas! "Hath the glory departed from Israel and the sceptre from Mount Lebanon." Where now are her Adamses, her Parsons, her Storys, her Websters? And when her Everetts and her Prescotts are no more, the last echo of the great spirit of Seventy-Six will have died away from his native hills, and the last link be broken in the golden chain that connects the present and future with the past.

The wisdom of modern philosophy has taught the world that facts are the basis of all reasoning and all calculations; that truth is developed only step by step, by the slow and tedious, yet sure, process of induction. The experience of the past must lay the foundation of theory for the future; that alone can place truth and human improvement upon the true theory of their advancement. Facts have always held a definite relation to theory, but the distinction between ancient and modern philosophy was in the relative position which they occupied towards one another. Truth was too pure and exalted, in the estimation of the Father of Grecian philosophy, to be contaminated by the sordid position of a secondary relation to facts in the order of investigation; hence, by a single bound, he reached the lofty goal, and then strove to wield the airy sceptre of theory, like the sword of Ossian's ghost, over the warring elements that lay beneath.

There is no philosophy beyond that which is the basis of the operations of nature and of the transactions of mankind; and as theories and calculations that do not weigh and properly estimate all the modifying conditions attending physical phenomena are valueless, so all schemes of reform, and enterprizes for moral or political improvement, are intellectually shallow, false to facts, and faithless to the primal precepts of Christianity, if the qualifying circumstances and conditions, combining to constitute any particular form of evil, are not duly heeded and entertained. The static laws of nature may be deranged in their operation by the weight of a single particle of dust, thrown by the feeble hand of man at his feet; the proudest intellect of man himself may be devoted from its stern purpose by the unseen agency of a breath of summer wind, or shattered by so little a thing as even the negative mind of another, a neglect to satisfy a dream of love, or a vain hope of ambition. Such are the imperfections and irregularities in both the moral and physical world. The physician cannot sit at his desk and prescribe an effective remedy for any specific class of maladies, independent of the circumstances under which they exist. The

mathematician and student of general science finds that abstract theories, principles, and formulas, are but the stepping-stone to a practical education, and without the aid of experience they furnish but vague and uncertain directions for their own practical application. The astronomer may collect all his data and prepare all his formula by the most skilful observations, but he finds that many allowances for errors and many corrections for irregularities must be made, even to approximate the truth in any practical result. So, too, the tempest-tossed mariner finds that the needle does not always follow the exact line of the polar star, and that it will furnish but a blind guide to his pathway across the deep, unless his calculations be made, and his reckonings be kept, with a view to its natural variations.

---

## ESSAY I.

### ORIGIN AND GENERAL PREVALENCE OF SLAVERY AND THE SLAVE TRADE.

LAW, in its most comprehensive sense, has been very correctly defined as a rule of action—a necessity arising from existing relations. This definition illustrates a general principle in the philosophy of both the natural and civil law, which, in this respect, as well as in many others, present striking points of analogy. For law, whether natural or civil, human or divine, can be nothing more than a set of rules, necessarily observed, in order to secure the harmonious operation of any general system of things. Hence, all general laws, to be perfect, must be comprehensive in their designs, and universal in their application: then their system of co-operation will be harmonious throughout; and constitute a perfect whole, just in all its proportions, beautiful in its symmetry, and knit together by the cohesive power of similar parts and analogous principles. But such perfection in government can only be found in the operation of natural or physical laws—those established by Omniscience, or that have arisen *ex necessitate rei*, and necessarily commanded obedience from the exigency of the existing relations between the things to be governed. The same is true in the origin and progress of human government and laws. Hence, laws become authoritative and powerful just in propor-

tion to the necessity that exists for obeying them; and those that are just and right will necessarily secure their own perpetuity and supremacy.<sup>1</sup> Another source of the origin and authority of civil law consists in the antiquity and absolute force of the rule; hence its necessity is tested and proven by the wisdom and experience of ages; and customs long established, and universally observed, become, by this means, the most potent sources of law. When customs are so old that the memory of man runneth not to the contrary, their origin is lost in the oracles and mythical edicts of the gods. The feeling of dependence upon the great wisdom and foresight necessary to give validity, force, and effect to the institutions of government and laws among men, has ever induced nations, in their early ages, to attribute their origin to a divine source, and to combine the civil, moral, and divine law all in a single code.

The laws of Draco, Solon, and Lycurgus, were venerated as the propitious gifts of the divinities that presided over the destinies of Greece, and contained the whole code of morals, theology, and national religion. Rome, too, claimed that the foundation of her vast empire was laid by divine authority, and that her laws were dictated and her destiny wielded by the national deities that her institutions had established. And hence all moral and religious duties were reduced to the forms of penal laws, and the Twelve Tables were studied and committed with as much veneration by the Roman student, as the ten commandments are at the present day. But the most perfect illustration of this principle is found in the constitution and laws of Moses. Here was a nation founded by the immediate direction of the one living and true God, and a constitution and laws given them for their government in all time by Him. Here, too, was an inseparable combination of the moral, civil and ecclesiastical, or divine law, in a single code, emanating from the same source, and administered by the same authority. Whence, ecclesiastical or canon law has held an important influence in the subsequent government of nations, and the origin and formation of their laws. So, we see, that such is the connection and relation existing between the physical, the moral or divine, and the civil law, and such is the analogy of

<sup>1</sup> According to the adage that necessity is the mother of invention, as in the arts, so in government and laws, those most needed to supply the wants of mankind are first to be discovered and brought into use: and slavery and the slave trade is an example—it originated in the law of necessity.

their principles, the influence the one has over the other, and the perfect consistency that should at all times exist in relation to them, that no jurist can be master of the science without being a philosopher, a moralist, and, to some extent, a theologian. It is as much the province of the jurist as the priest to discuss all theological and moral questions, so far as they affect the interpretation and force of the laws of the land. Man, it has been very truly said, is a social creature; that such is the constitution and law of his being as to render society a condition essential to the development of his faculties, the perfection of his nature, and the attainment of the final design and end of his creation. But the existence of society necessarily implies the existence of government. But government is nothing but obedience to a system of law, which is essentially the foundation of society. The doctrine, then, of the supremacy of conscience, or that each one must be a law unto himself, would constitute each one of the individual members of the body politic an independent sovereignty within themselves, and resolve society into its original elements.

It is one of the fundamental principles acknowledged in the philosophy of government, that each one of the governed surrenders a certain portion of his so-called natural rights, for the more safe and certain protection of those that remain. In this sense, all self-government of nations is a contract, or compromise; one of the necessary stipulations of which is obedience to "the powers that be," and a proper deference and respect to the majesty and authority of the law. Hence, to rise up against the State, to bid defiance to the edicts of the law-making power, is treasonable and revolutionary, and necessarily arms the compulsory power of the State against the offender. There is no other alternative: or the institutions of all free governments would be but a bundle of inconsistencies; for one of their fundamental principles is self-preservation and perpetuity. Without coercion, constitutions and laws, like the old American Articles of Confederation, would be but a soul created under the ribs of death, a voluminous dead letter, as powerless as the ponderous folios that contain their edicts. Who-soever, then, shall bid defiance to the laws of the land, and shall teach men so, the same is at heart a rebel and a traitor, "and it were better for him that he had never been born," and infinitely better for the world had he never lived. The necessity of some supreme authority manifests itself in every grade of society, and in every form of action. The absolute necessity of rule or command implies the corresponding necessity of

obedience. The laws of nations, in their infancy, are all founded and take their source from customs. The province of the legislator is at first to modify and adapt them to the wants and condition of the nations to which they relate. These consuetudinary regulations arise necessarily and imperceptibly from the existing state of society, rather than from any specific enactment of legislative will. It is not till the progress of the arts, sciences, and civilization, have multiplied man's wants, and thus produced a more multifarious, minute and complicated classification of their rights, that those customs require to be modified and digested into regular codes of laws. Hence, we see the connection between history and jurisprudence, and the light that they may naturally throw upon each other. The surest key to the interpretation of the moral character and political force of the laws of any nation, is its history. And, in a like manner, when the history of any period is dark and uncertain, these obscurities are best elucidated by the study of its ancient laws. Many laws contain, in their preambles, the causes that gave rise to the necessity of their enactment, and thus reflect the image of the existing state of society. Others point, in general terms, to the manners and customs, and thus furnish, in themselves, a commentary upon the private and public vices against which they have been enacted.

The advancement from barbarism to the various degrees of civilization is a very slow and gradual process, as every step is the result of a long struggle to correct a barbarous custom, or overcome a vicious habit. This sad experience, at length, from necessity fixes upon some general rules to be observed by all; and hence those rules, being long adhered to, become positive laws, enforced by various penalties, according to the existing state of society. The wild and ferocious manners, the untamed passions and feelings of nations in their infancy, require more vigorous laws and penalties; the ruder and more intractable a people, the severer must be the laws and penalties necessary to govern them. Hence, the penal laws of all the ancient nations have been extremely barbarous and severe. By the laws of ancient Egypt, he who had it in his power to save the life of another, and neglected to do it, was punished as a murderer. The city in which a body was found murdered was obliged to embalm and bestow a costly burial upon it. Perjury was punished with death. The calumniator was subjected to the same disadvantages, disabilities and disgrace that the calumniated would have been had the slander been believed. Forgery and counterfeiting were punished by cutting off the

hands of the offenders. Treachery and the betrayal of the secrets of the nation were punished by cutting out the tongue of the traitor. Adultery by burning to death.<sup>1</sup>

By the Mosaic law, the crimes of incest, rape, adultery, homicide, Sabbath breaking, &c., were punished with stoning, burning, or some other barbarous execution.

The first penal laws of Athens, framed by Draco, were proverbial for their cruelty. The ancient laws of the Romans, especially the Twelve Tables, were full of the most severe punishments and capital inflictions for trifling offences. The earliest period of nations is that in which the patriarchal rule obtains, where the heads of single families were supreme authority. This state of things must give rise to a multitude of belligerent communities in a single province, and frequent wars and dissensions among them. In these marauding and predatory excursions the strong would necessarily overpower the weak, and hence give rise to a combination of families to defend themselves against the encroachments of their enemies. This would give rise to united communities, in the form of tribes or clans, with the head of a family ruling by his original authority (except what was necessary to delegate to the chief ruler, as king, for their common defence). Hence, it may fairly be supposed the next step in governments, after that of the patriarchal, was that of limited monarchies. Wars and dissensions would necessarily arise among them, to enlarge and enrich their dominions. Rapine, piracy and plunder would be the predominant incentives to action. To restrain the depredations of these marauding banditti, severe laws must be enforced against them, and severe punishments inflicted upon them when taken captive; and hence the origin of the custom of saving their lives, and reducing them and their descendants to slavery.

The custom grew into a positive law of nations, which has obtained in all ages of the world, the moral character of which will be hereafter considered. The first attempts at conquest and plunder must have proceeded from wandering shepherd tribes or clans, like the Tartars and Scythians, who wished to change their territory for new pasturage (as the Black Feet do their hunting grounds), and would often make incursions upon fixed dominions of partially cultivated countries. Such were the shepherd kings from Ethiopia, who were the first conquerors of Egypt; and, as we shall see, reduced many of the Egyptians to bondage. Of such was the descent of "Amra-

<sup>1</sup> Joquet, Origin of Laws.

phel, king of Sinai, Arioch of Ellasar, Chedorlaomer, king of Elam, and Tidal, king of nations, upon Bera, king of Sodom, and others in the vale of Siddim," who put the kings of Sodom and Gomorrah to flight, "and took Abram's nephew and all his goods, and departed." But when Abram heard that his nephew was taken captive, he armed his trained servants, born in his own house, and pursued them. And Abram, with his three hundred and eighteen well-disciplined servants, overpowered the robbers, "and brought back all the goods, and also his nephew Lot and his goods, and the women and the people."

By this it would seem that Abram took quite a number of captives from these tribes, both men and women, and the king of Sodom wanted to divide with Abram, and take the persons and give Abram the goods, and Abram did so.<sup>1</sup> Here were five kings, with their tribes or clans, combined against the five kings of Sodom and their neighbors, who put them all to flight and despoiled them of their goods, yet Abram, with three hundred and eighteen servants, conquered the victors, took them captive, and returned the goods. We should judge from this fact that the tribes over which each king had rule were very small, and little else than marauding banditti. And hence the necessity of inflicting a severe punishment upon them when taken, to deter them from their frequent depredations. Here, perhaps, occurs the first instance in the history of the human race, of reducing captives taken in war to slavery. It cannot be doubted that necessity gave rise to it as a penalty to prevent piracy, pillage, and plunder, so common to these nomadic races at this age of the world. It originated in mercy; it spared the life of the captive convict, which was in the power of the captor, and sentenced him and his posterity to bondage. And where is the injustice? Had not a nation then as good a right to protect itself by dooming its captives, taken in open attempts at conquest (which was but another name for robbery, pillage, and plunder), to perpetual bondage, as nations now have to sentence certain criminals to the gallows. Grotius and Puffendorff, two of the most authoritative writers upon the law of nations, approve of this rule as a principle of national law, yet some say that it is contrary to the law of nature, as every man by that is entitled to his freedom; therefore, it is not right.<sup>2</sup>

<sup>1</sup> Gen. 14: 1-21.

<sup>2</sup> Vid. Argument of Mr. Alleny in the case of *Summersett*. Blackstone attacked the justice of this law; but his remarks relate entirely to a barbarous kind of slavery peculiar to certain nations, and he views it wholly

But this argument would destroy the whole coercive force of the penal code. The belligerent attitude of nations necessarily places them in the category of criminals with regard to one another; and, in barbarous ages, puts their lives in each others hands. Hence they have, respectively, a right to consult their own safety, protection and welfare, as well as the dictates of humanity, in determining what punishment shall be inflicted upon their captives. The same right and justice appertains to them in this respect, that does to individual nations to regulate their own internal policy with regard to crimes and offences. The national law may as well, if necessity require it, doom a captive and his posterity to perpetual bondage, as the municipal law may sentence a convict to Botany Bay, or the penitentiary, for life, and thus cut off all hopes of posterity. As nations become larger, more powerful, and are better capable of defending themselves, and thus rendering life and property more secure, the force and necessity of this penalty would be naturally, as it has been in a degree, lost sight of. But, as we have before said, to see the moral rectitude and political force of this custom, we must look to the condition of those nations with whom it originated, in their infancy and early ages. Look at the condition of the English colonies in the first settlements of New England; alone, weak and defenceless, in the wilderness, surrounded by hostile tribes, they were in a condition to fully appreciate the necessity, moral and political force of this principle of national law. They annexed this penalty to the captivity of their enemies, and enforced it to its fullest extent.<sup>1</sup> Look at the new settlements upon our Western frontier, and the emigrant trains crossing the plains to the far-off shores of the Pacific; here are instances strikingly illustrating the primeval history and condition of those oriental nations, in the ages of which we are now speaking.

When they are attacked at dead of night by a marauding band of Camanches, to plunder their goods and leave nothing but the bones of men, women, and children to mark the spot of the tragical scene; or, in the settlements, when the inhabitants are startled at midnight from their slumbers, to rush into the devouring flames of their dwellings and villages, or to fall by the murderous blows of the death-dealing tomahawk, and leave their wives and children to the unrelenting tortures of the

by the light and rule of enlightened life, both of which are inapplicable to the principle. Paley approves it. *Blac. Com.* I., p. 423; *Princip. Philos.*, p. 158.

<sup>1</sup> See Essay on Political and Judicial Attitude of Slavery, post, p. 293.



merciless savage — were these settlements nations of themselves, and these emigrant trains independent tribes, who made their own laws and governed themselves, who would deny them the right to reduce to slavery every savage son of these prowling marauders whom they could capture?

We are not advocating the validity of the *lex talionis*; but an absolute necessity arising from the defence, safety, and general welfare of these almost defenceless people, would require that death, or some such penalty should be inflicted upon such invaders when captured; and it would be an act of mercy to spare their lives. Thus, the different tribes of Israel under the patriarchs, as well as the caravans belonging to the ancient commercial cities and nations of the East, governed themselves and made their own laws. Nations arrayed in the attitude of war are, in barbarous ages, to all intents and purposes, robbers and murderers in the extermination of one another, and as necessarily and justly forfeit their individual rights, as men, to the captor, as the convict does those of a citizen, to the State. Treaties of reciprocity for any specific treatment of prisoners, expressed or implied, may, and have, greatly improved their condition in later ages. But by the law of nations the whole ancient world regarded captives taken in war as slaves. It has been said that though one generation might be reduced to slavery, yet they could not entail that curse upon the succeeding one. But in the case of the captive, does not his posterity owe their existence to the mercy of the law? And may they not abide the condition it gives them? "Hath not the potter power over the clay?" This law is still in force among the different nations and tribes of Africa;<sup>1</sup> and instigated by avarice of other nations, its original purpose has been much perverted, and its provisions much abused. But this is no argument against the law itself; no law, custom, or institution which may be right in its original intention, and designed, if properly applied, to subserve a good purpose, is accountable for the perversions and abuses which it receives from the wickedness of mankind. Else we might condemn the law of capital punishment, and even the Christian religion itself, for these have all been made the wicked instruments of ostracism, carnage, and bloodshed, for the gratification of the sinful passions of man.

This custom dates back to a remote period in antiquity, to which the knowledge of the world now reacheth not. The curse

<sup>1</sup> Wheat's Elements of International Law, p. 124.

of Noah, uttered soon after the flood, that Canaan, the offspring of his unfilial son Ham, should be a servant of servants, would thus have been wholly unintelligible to the world unless there had been some distinct idea preserved in the memory of Noah and his family, of the relations of master and servant that existed before the deluge. And here its necessity would seem to be the more imperious, as we read that the earth was then filled with violence.

Egypt, where are found the oldest landmarks of human existence, was the great hot-bed and radiator of oriental servitude; she is termed in sacred scripture "the house of bondage." Her hieroglyphic and monographic inscriptions, from the earliest glimpses of her history, furnish striking pictures of captivity and the most abject subjugation. The captives being brought to Egypt were not only employed in the service of the monarch, but were interspersed through the several classes, and served as domestics and servitors to their owners. The oldest monuments on Egyptian soil are the work of slave labor. The *δημοσίου δουλοι*, or public slaves, were employed in building temples, cutting canals, raising dykes, embankments, and other public works. The Israelites seem to have belonged to this class of slaves—their work was brickmaking. Some who were purchased by the grandees were employed in the same capacity as the Mamelukes of the present day. Women slaves were also employed in the service of females, like the Greeks and Circassians in modern Egypt, and other parts of the Turkish Empire. In various tablets of ancient and Egyptian sculpture and painting, we find them represented as being chained together by the neck and driven in gangs, accompanied by men of their own nation, both negroes and whites. Hence, we conclude that a certain number were sent annually from the conquered provinces of the North-East, as well as Ethiopia.<sup>1</sup> Hence it is evident that both whites and blacks were employed as slaves, and that the ancient Egyptians followed the inexorable custom of reducing captives taken in war to slavery. Whites and blacks intermingled indiscriminately in the servile ranks of bondage. From the same scenes of painting and sculpture, it appears that they attended upon the guests when invited to the house of their masters, something after the fashion of Greek and Roman domestics, and were kept in the families of the priests, as well as military chiefs. From this we may infer that the

<sup>1</sup> See the plates of the great works of Belzoni, Champollion, and others, taken from Egyptian art, to which reference is made post, p. 169, et seq.

right of possessing slaves was not confined to those who had taken them in war, but that they were liable to be bought and sold as other articles of trade.

The traffic in slaves was certainly tolerated and practised by the ancient Egyptians, as well as by the Phœnicians, Chaldeans, Hebrews, and surrounding nations; and doubtless many traders were engaged in bringing them to Egypt for public sale, independent of those who were sent as a tribute. Abram, when he went forth to go into the land of Canaan, "took Sarai his wife, and Lot, his brother's son (*καὶ πάντα τὰ ὑπαρχόντα αὐτῶν ὅσα ἐκτήσαντο, καὶ πασάν, ψυχὴν ἣν ἐκτήσαντο ἐκ Σαρραν*'), and all the property which they had gathered together [accumulated or purchased], and all the souls that they had gotten in Haran" [or every soul that they had purchased or acquired in Haran<sup>2</sup>].

"And in the self-same day was Abraham circumcised and Ishmael his son;" "and all the men of his house born in his house (*καὶ οἱ οἰχομένους αὐτοῦ, καὶ οἱ ἀργυρωητοί, &c.*), and bought with money of the stranger."<sup>3</sup>

Hence, it appears that Abraham, the founder of the Jewish nation, both before and after the covenant, had trafficked in slaves with the neighboring nations. When he went down into Egypt, though as a private individual, yet to command the attention and respect of Pharaoh, as well for the number of his attendants, as for the beauty of his wife, he was accompanied by a long train of "oxen and of he-asses, and men-servants and maid-servants, and she-asses and camels."<sup>4</sup>

Abraham's household of servants was numerous; for when he went up out of Egypt, "he was very rich in cattle, in silver and gold;" and when he went in pursuit of the banditti who had carried off his nephew Lot, and all his goods, he could muster three hundred and fifteen well-disciplined servants, of those born in his house and capable of bearing arms, without any of those "bought with his money of the stranger." Taking these, at a moderate estimate, to be one-fifth of his home-born slaves, it would give him at that time the enormous family of fifteen hundred and ninety servants in his household.

These were the souls that they had gotten in Haran, in

<sup>1</sup> Septuagint, Gen. K. 12-5. In the Greek text the same verb is used to denote the acquisition of the souls, that is used to denote that of the property, and may be translated by *bought* or *purchased*.

<sup>2</sup> Gen. 12 : 5.

<sup>3</sup> Gen. 17 : 26, 27. The Greek text has *καὶ οἱ ἀργυρωητοί ἐξ ἀλλογενῶν ἔθνων*. Sept., literally, "and those bought with silver from foreign nations."

<sup>4</sup> Gen. 12 : 16.

Egypt, Damascus, and surrounding nations. Eliezer, the chief servant of Abraham's household, was a slave of Damaseus; and Hagar, Sarah's handmaid, was an Egyptian woman. Well might Abraham's servant say to Sarah: "And the Lord hath blessed my master greatly, and he is become great: and he hath given him flocks and herds, and silver and gold, and men-servants and maid-servants, and camels and asses."<sup>1</sup>

And the Ishmaelites who bought Joseph of his brethren readily sold him to Potiphar on carrying him to Egypt; for such was the custom of those days.<sup>2</sup> The Phœnicians, who traded in slaves, sold the children of Juda and Jerusalem to the Greeks;<sup>3</sup> as the people of Caucasus sent their boys and girls to Persia; as the modern Circassians do their children to that country and to Turkey. Ancient Babylon, Tyre, and Sidon, as well as all the cities and nations round about, were slave markets, where the "descendants of Javan, Tubal, and Meshech, traded the persons of men and vessels of brass; and the merchants of the earth bought their merchandize of horses, chariots, slaves, and the souls of men."<sup>4</sup>

The Scythians of the desert had early established slavery throughout the vast plains of the unknown North, whence all the great slave markets of the South were supplied. The oldest accounts of the land of Negroes, like the glimmerings of Egyptian and Phœnician history, bear witness to domestic slavery and the slave trade. Slavery outruns the oldest traditions of Greece.<sup>5</sup> The Greek pirates, like the corsairs of Bar-

<sup>1</sup> Gen. 24 : 25. This simple narrative of the marriage of Isaac, is one of those historical incidents that show that human nature is the same in all ages. His father, Abraham, being possessed of an immense fortune, had, in his dotage, become too aristocratic and proud of his lineage to allow his son to marry one of the Canaanites among whom he dwelt. He therefore despatched his trusty servant to his native land, to induce some Chaldean virgin to become his bride. He fits out a minister plenipotentiary to negotiate the important matter of the marriage of his son; he doubtless commissioned him with full instructions as to what inducements he should hold out to the young lady to accept his proposals. And true to the instinctive impulse of human nature, as the most potent and persuasive reasons he could offer to the daughter of Bethuel, the damsel of the city of Nahor, to induce her to follow him back to the land of the Canaanites, he presented her with bracelets of gold, and depicted to her in glowing terms the great wealth of Isaac's father, and the great number of servants that he had.

<sup>2</sup> Gen. 39 : 1; 44 : 9.

<sup>3</sup> Amos 2 : 6; 8 : 6. "Because they sold the righteous for slaves and the poor for a pair of shoes."

<sup>4</sup> Ezek. 27 : 13; Rev. 18 : 13.

<sup>5</sup> Odyss. 15 : 483. Il. 9 : 595, *Tékra lé r' álloí ayounai*, &c. Il. 22 : 62. Odyss. 20 : 149.

bary roving in quest of slaves laid the foundation of Greek commerce; each commercial town was a slave market, and every cottage upon the seashore was in danger of the kidnapper.<sup>1</sup> Every city that made war upon its neighbor exulted over the number of its captives.<sup>2</sup> The earliest slave markets of Rome were filled with men of every complexion and nearly every clime.<sup>3</sup> In early times the Romans, like the Greeks, obtained most of their slaves from Asia — Syrians, Lydians, Carians, Mysians, and Cappadocians are specially mentioned.<sup>4</sup> Though their trade afterwards extended to the western nations of Europe, Germania, Gallia, and Britannia.<sup>5</sup> When the Goths and Vandals overran the Roman Empire, the great swarms of Roman slaves began to disappear. But the middle ages witnessed rather a change in the channels of the slave trade than any diminution of its extent. The Saxon race carried the most repulsive form of slavery into England; where the toll on the sale of a slave was only four times that of an ox.<sup>6</sup> The long wars between the German and Slavonic tribes, imparted to the slave trade of the middle ages its greatest activity. This traffic filled France and its neighboring States with such numbers of Slavonian captives, that they adopted the name of those people for a condition of servitude and bondage. And every nation in western Europe still preserves a memento in its language of the celebrated traffic in "Slaves."<sup>7</sup> The Dnieper early became a great highway through which the Russian merchants transported their slaves to Constantinople. Greece, Georgia, and Circassia, were laid under contribution to furnish their annual tribute of ten youths and ten virgins, to supply the harems of the Moslem Minotari of Turkey.

Close upon the verge of those interminable conflicts between the Germans and Slavonians of the North, followed those of the Crusades and Holy Wars of the South and East. During

<sup>1</sup> Isocr. Plateans 9, p. 406. Timæus apud Athen. 4, p. 264. Thucid. 1. i. c. 4, 180 : 181.

<sup>2</sup> Arist. Polit., 1. i. p. 2.

<sup>3</sup> Agmina exoletorum per nationes coloresque descripta Seneca, cpt. xciv. De Brev. Vit.

<sup>4</sup> Beck's Gall. 201.

<sup>5</sup> Caesar's Gall. Turner's Hist. Anglo-Saxon R. p. 294 : 337.

<sup>6</sup> Temp.'s Int. to Hist. of Eng. p. 59.

<sup>7</sup> Bancroft's Hist. U. S., vol. i., Art. Hist. Slave Trade. The French word for slave is *esclave*; German, *Sclave*; Dan., *slave*, *sclave*; Sw., *slaf*; Arm., *slaff*; It., *schiaivo*; Sp., *esclavo*; Port., *esclavo*: see Webster. This term is, therefore (as we shall show hereafter), of comparatively modern origin.

all these long and exhausting sieges and campaigns, the law of captivity was regularly enforced; for centuries the two religions waged a merciless war upon one another; and Christian, Saracen, Jew, and Infidel, were indiscriminately sold in countless numbers into irredeemable slavery. At Lyons, in Venice, and at Rome, they were exposed in market overt to be sold for prices, and in lots, to suit purchasers. The whole number of Moors brought under the yoke of the captor during the protracted wars of Granada, scarcely excels the number of Christians kidnapped and sold into slavery, by these roving corsairs in Egypt and the Barbary States, after their expulsion and emigration to Northern Africa.<sup>1</sup>

In the earliest gleamings of English history we find the foot-prints of this inexorable law of captivity, that doomed thousands of the vanquished to be subject to the power and will of the victors. It doubtless originated in the conquests of the Romans in that country; but it continued through all the wars of the Britons, Danes, and Saxons, triumphed as a paramount law during the existence of the Heptarchy, and subjected thousands to hopeless bondage.<sup>1</sup>

The slave trade in England, the birthplace of American jurisprudence, outlived the fusion of the five nations into one; survived the Norman Conquest, and continued, in a somewhat modified form, under the disguised name of Villianage, down to quite a late period in English history.<sup>2</sup>

We have thus given a brief outline of the origin, progress, and early and general prevalence of the slave trade, to show that slaves have been deemed lawful articles of commerce by the customs and laws of every nation; that the traffic in them is as old and universally prevalent as that in any other commodity; that the law of captivity, originating in necessity, and founded in mercy, justice, and right, gradually inwrought itself into the texture of government and society, and imposed its authority so favorably upon communities, that it became a paramount principle of national law, and gave the purchaser a right and title to the captive or slave, which became in the eyes of all nations a vested right, as indefeasible by the force of any sub-

<sup>1</sup> See Art. Hist. of Slavery, &c., in Bancroft's Hist. U. S. vol. i.

<sup>2</sup> 21 Black.'s, pp. 92, 93, by Monet. Lingard's Hist. Eng., vol. i. In the abstract of the population of England, in the Domesday Book, at the close of the reign of William the Conqueror, the whole population is stated at 283,242, of which the *servi* are 25,156, the *ancilla*, 967, &c. See Essay on Slavery in the Middle Ages.

sequent contravening custom, as that to any other species of property.

A more minute inquiry into the laws, regulations, and extent of the institution, in all the most important nations of antiquity, as well as some of a more modern date, will follow in their proper place. The more minutely we examine, and the later we come down in the world's history, the more striking we find the evidence of the absolute and indefeasible right and title of the master to his slave.

---

## ESSAY II.

### HEBREW SLAVERY.

WE have no authentic reference upon the subject of slavery in the ancient Hebrew nation but the laws of Moses, as they are written in the Bible. The Scriptures, of the Old Testament particularly, aside from their sacred character, we contend, have a place in the history of government, literature, and law. In analyzing the laws that are found in these records, we have nothing to do with the divine legation of the lawgiver. Our inquiry will be directed to ascertain what the law was upon this subject, without any special reference to its divine character. For this purpose we shall look into the Mosaic code as into the code of any other nation, and apply the same rules of construction and interpretation. Our inquiry upon this subject is not a theological, but a legal investigation; we take up the writings of Moses and the prophets as lawyers, legislators, statesmen, and judges; and discuss the principles which they contain accordingly.

The relation of master and servant, as we have seen, dates back as far as we have any authentic records of the human race. During the patriarchal government of Israel we find frequent mention made of both men-servants and maid-servants; and they were classed with the flocks and herds, goods and effects of the master, which Abraham "had gotten in Haran," and which the Lord God had given in blessings unto him, and which Abraham had given unto Isaac.<sup>1</sup> The first question

<sup>1</sup> Gen. 24 : 35, 36.

that presents itself in this inquiry, is, whence arose this law among the Patriarchs, in this early age of the Hebrew nation? Whence did Abraham, the founder of that nation, derive his right and authority to buy and hold slaves? We answer, and undertake to show, that it was derived from the universal custom of the age; that the practice was adhered to by common consent, and had become a principle of international and common law; as much so as the right to purchase and hold flocks and herds. It was one of the primordial classifications of property, that, as we have seen, obtained in all nations; that grew up, *propria vigori*, and enforced obedience to its principles, in all ages, without the aid of legislative enactment.

The laws that first sprung up around this institution furnish the only light upon its history, that has come down to us from this remote period of antiquity. In analyzing the statutes of Jewish law upon this subject, we may separate them, like all others, into various classes. There are positive enactments of principles that had no previous existence; there are, also, statutes that simply declare the law for the past, present, and future, called declaratory statutes; there are, also, amendments designed to remedy some existing evil, by altering or modifying the existing laws; there are the directory statutes, that merely prescribe certain forms as the most expedient to be observed.

The first question to be determined in arriving at a correct understanding of any statute, is to determine to which of these classes it belongs.

It has been asserted by the modern stoic professors of theology, that there is no evidence in the annals of Jewish law, that slaves in that nation were saleable property; and they deny that they were merchandize, liable to be bought and sold like other commodities. But Moses, in penning the Hebrew statutes, seems to have taken a different view of this subject. "If a man smite his servant or his maid with a rod, and he die under his hand, he shall surely be punished." "Notwithstanding, if he continue a day or two, he shall not be punished; for he is his money."<sup>1</sup> "He that smiteth a *man* so that he die, shall surely be put to death."<sup>2</sup>

In these statutory provisions several important principles of Jewish law are brought to light. The first is the distinct classification of persons, and the fundamental distinction of their rank, as between "men" and "servants." To kill a man was evidently a heinous crime, and required blood for blood; but

<sup>1</sup> Exod. 21 : 20, 21.

<sup>2</sup> Exod. 21 : 12.



to kill a servant, in the act of chastisement, and “with a rod,” was only visited with some form of punishment; yet we are nowhere informed what the penalty was.<sup>1</sup> Now, upon what principle is this distinction of persons founded, and upon what is this discrimination of punishment based? It is all summed up in the simple clause, (το γὰρ ἀργύριον αὐτοῦ ἐστίν,<sup>2</sup>) “for he is his money;” literally, for he is his silver coin—which signifies something more than mere property or possession, a medium of exchange that might be given and received for other commodities, a kind of *instar omnium*. This latter clause of the statute is evidently of a declaratory character; it declares a universal principle of law—a principle existing by common consent—upon which is founded the reason for the exception in the penalty of homicide, in the former clause of the same. “For he is his money.” How so? He is not made so by this provision of law; the principle declared is no part of the enacting clauses. It must rest, then, upon time-honored custom—a great principle of common law, so well understood and so universally acceded to, that it is used in the statute as a legal axiom. It was the same principle that filled the slave markets of Egypt, Assyria, and all the surrounding nations, with “bond-men and bond-maids;” “where the merchants of the earth traded in their merchandize and souls of men.”<sup>3</sup> It was the same principle by which Abraham and Lot held the “souls that they had gotten in Haran;” by which he purchased Elizur of Damascus, Hagar the Egyptian woman, and all those that he “had bought with his money.” It was the same principle by which the Ishmaelites bought Joseph of his brethren for twenty pieces of silver; by which they readily sold him to Potiphar, when they got down into Egypt. It was the same principle that caused Joseph’s brethren to fear that they would be seized upon and sold for slaves when they went down to buy corn in Egypt, and found the purchase-money in their sacks. It was the same principle by which the children of Judah and Jerusalem were sold to the Grecians<sup>4</sup>—“the righteous for silver, and the poor for a pair of shoes.” It was the same principle by which “they cast lots for the honorable men of

<sup>1</sup> The punishment provided for by this statute was no more than that which prohibited cruelty to animals; it seems to be founded wholly upon animal sympathy, as much so as the duty to pull the “ox out of the pit;” not upon any right of the servant, for he is his money—as much so as the ox.

<sup>2</sup> Septuagint.

<sup>3</sup> Ez. 27 : 13; Rev. 18 : 13.

<sup>4</sup> Joel 3 : 3-8; Amos 2 : 6; 8 : 6.

Nineveh, and all her great men were bound in chains."<sup>1</sup> It was the same principle by which Jews were compelled to redeem their brethren that had been sold to the heathen.<sup>2</sup>

"Again, if thou buy a Hebrew servant, six years shall he serve you." This passage of law is predicated upon the acknowledged right of the Jews to buy Hebrew and other servants; it is an amendatory provision, designed to remedy the existing evil of making Hebrew servants perpetual bondmen against their will, and necessarily implies that such was then the law. It was an innovation in favor of liberty to the chosen people.

"If a man sell his daughter to be a maid-servant, she shall not go out as the men-servants do." "If she please not her master who hath betrothed her to himself, then shall he let her be redeemed: to sell her unto a strange nation he shall have no power,"<sup>3</sup> &c. No one can deny that the object of this statute, like the one quoted above, was to ameliorate the condition of Hebrew maid-servants. The limited term of service provided for Hebrew men-servants had not yet, and was not, for forty years afterwards, made applicable to Hebrew maid-servants.<sup>4</sup> But it was provided in their favor, that they could not be sold to a strange nation. This amendatory statute is also predicated upon two prevailing principles, and designed to remedy a prevailing evil. It implies the right of a master to sell his maid-servant or daughter to another master, and also the right of the purchaser to sell her again, even to a strange nation, which latter power is prohibited by its provisions.

The power to buy a Hebrew man or maid-servant necessarily implied the power in all masters to sell them, as there can be no vendee without a vendor. The whole tendency of the Mosaic legislation upon this subject seems to be to ameliorate the condition, particularly, of Hebrew slaves. What could have induced Moses, educated, as he was, in the very hot-bed of Polytheism, and reared in "the house of bondage," to so far outstrip all heathen customs and legislators upon this subject, we leave to the answer of those whose province it is to study

<sup>1</sup> Na. 3 : 10.

<sup>2</sup> Neh. 5 : 8. "He that stealeth a man and selleth him," &c. : Exod. 21 : 16. Again, "If a man be found stealing any of his brethren of the children of Israel, and maketh merchandize of him or selleth him," &c. : Deut. 24 : 7. Unless such things were possible and common, these penal statutes would not have been enacted.

<sup>3</sup> Exod. 21 : 8.

<sup>4</sup> Deut. 15 : 12. This was forty years after the enacting of the former statute in favor of men-servants. See Deut. 1 : 3.

the Scriptures as a body of divinity, and not as a mere code of municipal laws. But even Moses, with all his humane provisions in favor of Hebrew servants, never once attempted to alter the condition of heathen slaves. He left them to the unmitigated rigors of the ancient laws. His object seemed to be (as we shall see) to abolish Hebrew slavery, and to substitute that of other nations.

“Both thy bondmen and thy bondmaids which thou shalt have, *shall be* of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. Moreover, of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land: and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen for ever: but over your brethren the children of Israel, ye shall not rule one over another with rigor.”<sup>1</sup>

The object of this statute is to distinguish between the right of the master over Hebrew and heathen slaves; it contains a clear and unequivocal declaration of the right of the master to purchase slaves of foreign nations, and even of alien families resident among the Israelites, and to hold them as absolute property, alienable and heritable: to be a perpetual possession for themselves and their children after them. “But if ye buy a Hebrew servant, six years only shall he serve,” &c. For, “over your brethren the children of Israel, ye shall not rule one over another with rigor.”

The right of the master to buy, given in each of these instances, at home and abroad, implies a right in the owner to sell; who then can say there is no evidence of a power to sell slaves among the Jews?

“And it shall be, if thou have no delight in her [*i. e.* a captive virgin taken to wife], then thou shalt let her go whither she will, but thou shalt not sell her at all for money; thou shalt not make merchandize of her, because thou hast humbled her.”<sup>2</sup>

This is another marked instance of an amendatory statute, innovating upon a prevailing custom to remedy an existing evil. The universal custom was to reduce all captives to merchandize, and to sell them for money; but here is an exception created in favor of the captive virgin, humbled in the manner spoken of in the statute. If such customs had not existed, there could have been no necessity for the prohibition. Slaves

<sup>1</sup> Lev. 25 : 44-46.

<sup>2</sup> Deut. 21 : 14.

under the Jewish law could become such by the law of nations condemning captives to a state of bondage; but this related more particularly to those of a heathen or foreign origin.<sup>1</sup> Hebrews might become slaves to one another, first, by debt;<sup>2</sup> second, by theft, for the thief, if poor, was sold to repay the property which he had stolen; third, by birth, when the mother was a slave — so that the children of the house, or born in the house, became, as it were, a kind of proper name for slaves;<sup>3</sup> fourth, by sale or purchase. A man might sell himself, if he "waxed poor,"<sup>4</sup> which was not common, or another who owned a slave might sell him, but the seventh year broke his bonds.<sup>5</sup>

In relation to the position and treatment of slaves among the Hebrews, it may be remarked that all servants, of every kind, were to be circumcised,<sup>6</sup> partook of their religious privileges, and rested on their feast and Sabbath days.<sup>7</sup> But they possessed no civil rights, and were not otherwise considered in the rank of persons. But a Hebrew sold for debt was not to be treated with rigor, as a bond-servant, but as a hired servant, and he shall be free with his family at the jubilee-year.<sup>8</sup>

Cruel chastisement was punished, if the slave died under the hand of his master.<sup>9</sup> A master who smote out the eye or tooth of his slave, was compelled to set him free.<sup>10</sup> Slaves enjoyed rest on the Sabbath day, and attended the solemn feasts and festivals.<sup>11</sup> They were entitled to comfortable support.<sup>12</sup> But they possessed no property, no civil rights of their own, and were doomed to the most menial service.<sup>13</sup> "Now therefore are ye cursed, and there shall none of you be freed from being (δοῦλος<sup>14</sup>) bondmen and hewers of wood and drawers of water for the house of my God."<sup>15</sup>

Though the men-servants, by the statutes of Moses, were entitled to their freedom on the seventh year if they were of Hebrew origin, yet those of heathen origin found no such favor in the eye of the law. They were, from the earliest periods of

<sup>1</sup> Numb. 31 : 18, 32, 35, 40; Deut. 20 : 14; 21 : 10-12.

<sup>2</sup> 2 Kings 4 : 1; Is. 50 : 1; Matt. 18 : 25.

<sup>3</sup> Gen. 14 : 14; 15 : 3; 17 : 23; 21 : 10; Ps. 86 : 16; 116 : 16.

<sup>4</sup> Lev. 25 : 47.

<sup>5</sup> Lev. 25 : 25, 28, 39, 41. And by stealing them and selling them: Ex. 21 : 16; Deut. 24 : 7.

<sup>6</sup> Gen. 17 : 12-14.

<sup>7</sup> Exod. 20 : 10; Deut. 5 : 14; 12 : 17, 18; 16 : 10, 11.

<sup>8</sup> Lev. 25 : 39-43.

<sup>9</sup> Exod. 21 : 20, 21.

<sup>10</sup> Exod. 21 : 26, 27.

<sup>11</sup> Exod. 20 : 10; Deut. 5 : 14; Deut. 12 : 17, 18; 16 : 10, 11.

<sup>12</sup> Deut. 25 : 4; Tim. 5 : 8; 1 Cor. 9 : 9, 10.

<sup>13</sup> 2 Sam. 9 : 10

<sup>14</sup> Septuagint.

<sup>15</sup> Josh. 9 : 23

Jewish history, made merchandize, and reduced to perpetual bondage; even among the patriarchs they were heritable property; for Isaac, the legal heir of Abraham, had in possession a great store of family servants,<sup>1</sup> which he inherited from his father's estate, for Abraham gave all that he had unto Isaac,<sup>2</sup> except the sons of his concubines, whom he gave gifts, and sent them away eastward; in other words, he emancipated them and sent them away,<sup>3</sup> in his lifetime. We find mention made of Abraham's servants, that they were circumcised, both those born in his household and those bought with his money of the stranger.<sup>4</sup> By this it seems that the slave trade was carried on with the heathen nations even at that time, and that they were lawful articles of commerce; for Hagar, the mother of Ishmael, was an Egyptian bondmaid, or female slave, belonging to Sarah, Abraham's wife, doubtless bought of an Egyptian slave-dealer, or a stranger. Captives taken in war were also doomed to slavery under the patriarchs. When Abraham pursued the banditti that had carried away his nephew Lot, he captured them and brought back the goods, the women and the people.<sup>5</sup> It further appears that this right of property was absolute, even to the power of life and death, over the slave; for when Sarah complained unto Abraham of the insolence of Hagar, "Abraham said unto Sarah, Behold, thy maid is in thy hand [completely under thy power]; do with her as it pleaseth thee."<sup>6</sup> It should be remembered that what Abraham said was law; he was the absolute lawgiver to his household. What, then, may be supposed to have been the consequence of giving his wife (influenced by jealousy) absolute power over her servant Hagar? As would be naturally supposed, she dealt so harshly with her that she ran away. This is the first instance we have on record of a runaway slave. But how was she rebuked for running away by the heavenly messenger of the God of Abraham, when the angel found her by the fountain in the wilderness? Did he give countenance, means and direction wherewith to assist her escape? "And the angel said unto Sarah's maid, Whence camest thou? and whither wilt thou go?" And when she answered, "I fled from the face of my mistress Sarah," "the angel of the Lord said unto her, Return to thy mistress, and submit thyself into her hands."<sup>7</sup> It seems by this that the poor Egyptian concubine had no place of refuge,

<sup>1</sup> Gen. 26 : 14.<sup>2</sup> Gen. 25 : 5.<sup>3</sup> Gen. 25 : 6.<sup>4</sup> Gen. 17 : 27.<sup>5</sup> Gen. 14 : 16.<sup>6</sup> Gen. 16 : 6.<sup>7</sup> Gen. 16 : 7-9.

in the sight of the God of Abraham, from the cruelty of her jealous tormentor, but, by the decree of the *Most High*, she was recognised as the lawful property of her mistress, and commanded to return and submit herself to her authority. Such, then, was the character of this institution for nearly a thousand years, during the ages of the patriarchal government of the Jews, sanctified, upheld, and justified, by the direct interference of Jehovah. It subjected both their Hebrew and heathen slaves to the absolute ownership, power and control of the master. By the Mosaic constitution and laws, enacted about one thousand years after the flood, some improvements were made in favor of the slaves, and some of the ancient rigors essentially modified. The four hundred years of bondage which the Israelites had suffered in Egypt, had so elevated their condition, and so well prepared them for the enjoyment of freedom, that directly after their delivery, the blessings of the Mosaic code were given them for their government and laws. This provided a system of gradual emancipation in favor of Hebrew men-servants, by establishing an apprenticeship of six years, at the expiration of which all Hebrew men-servants should be declared free. "If thou buy a Hebrew servant, six years shall he serve thee; and in the seventh shall he go out free for nothing,"<sup>1</sup> &c.

This code of laws, let it be remembered, was not given by Moses for the regulation and government of the slaves already owned and possessed by the children of Israel, but to regulate the manner in which they should supply themselves with servants, of which they were now entirely destitute. They were but a band of emancipated servants themselves, who had been for four hundred years the subjects of a rigorous bondage. It cannot be supposed that in that condition the relation of master and servant had been preserved among them, or any distinctive rights of property recognized for that length of time. They went out of Egypt a poor, wandering multitude of about six hundred thousand persons, destined to wander for forty years as pilgrims in the wilderness, and to subsist upon the nutritious dews of heaven. We read of no possessions which they had, except the trinkets of gold and silver and the raiment that the women borrowed of their Egyptian neighbors: "and it shall come to pass that ye shall not go out empty, but every woman shall borrow."<sup>2</sup> In the third month after the departure out of Egypt they came into the wilderness of Sinai, and there

<sup>1</sup> Ex. 21 : 2-27.

<sup>2</sup> Ex. 3 : 22.

they received the law from Him whose word is forever settled in Heaven. A code destined to rear them up as his peculiar people and render them a "kingdom of priests and a holy nation." Here now was a mighty nation in embryo, purified from the sin of slavery, if such it was. They had atoned for the iniquity of their fathers by four hundred years of servile bondage. The question might well occur to their deliverer and law-giver, Moses, whether the ancient institutions of their fathers, Abraham, Isaac, and Jacob, should be revived amongst them. If the relation of master and servant were a sin, they were the very people who could best appreciate the evil, having so long suffered the wrong, and it would seem that they would have been the last people to have peaceably submitted to its revival among them. Yet in the Mosaic enactments made at this time, the relation seems to be recognized, and the right to purchase and hold slaves, to be spoken of as firmly established, and as natural and necessary as the relation of parent and child, or of husband and wife. "If thou buy a Hebrew servant (as though the right to do so was unquestionable) six years shall he serve thee."<sup>1</sup> Now whence arose this right to buy a Hebrew servant, unless it was founded on the ancient custom that existed among the patriarchs? Here the right of property, as also its ownership, is distinctly recognized, though the power of life and death seems to be, in a measure, modified and taken away. "If a man smite his servant or his maid with a rod, and he die under his hand, he shall surely be punished; notwithstanding, if he continue a day or two, he shall not be punished, for he is his money."<sup>2</sup>

This passage, doubtless, has reference to other slaves than of Hebrew origin: as all those were by law free on the coming in of the Jubilee, they could not be said to be the absolute property of the master, or to be "his money."<sup>3</sup> But we shall see that there was another class of slaves of foreign origin, to whom this law of gradual emancipation did not apply. As a general thing, all captives taken in war were regarded as slaves by all the ancient world of which we have any authentic account.<sup>4</sup> But Abraham had a household of sixteen hundred servants which the Lord had given him, some born in his house, and others bought with his money, before we read of any wars in which they could have been taken captive.

Under the Mosaic statute, slaves of Hebrew origin could

<sup>1</sup> Gen. 21 : 2-27.

<sup>2</sup> Exod. 21 : 20-21.

<sup>3</sup> Ibid.

<sup>4</sup> Num. 31 : 18; 32 : 35-40.

become such only — 1st, by debt ;<sup>1</sup> 2d, by theft (for if the thief was poor he was sold to pay for the property he had stolen) ; 3d, by birth, when the mother was a slave ;<sup>2</sup> and 4th, by sale and purchase, as a man might sell himself,<sup>3</sup> which, however, was not common. But the seventh year, and particularly the Jubilee, put an end to all this slavery, as regarded the men-servants of Hebrew origin. Such is the picture of the slavery of Hebrews among Hebrews. But why this provision of the Jewish law that set the men free at the end of the sixth year did not apply to the female slaves, does not appear. When Moses enacted on Mount Sinai that the Hebrew men-servants should be free after the sixth year, he did not say a word about the female slaves. But, after forty years, when on the borders of the promised land, he made the law, which before was applicable only to males, equally applicable to females. What was the reason of this ?<sup>4</sup> Evidently such was the state of feeling among the Israelites, in favor of the ancient and time-honored institutions of their fathers, at the time Moses first began to legislate upon the subject, that he would have excited open rebellion among them had he at that time attempted to have freed both males and females alike, after six years' service. But it took him forty years to mould the manners, customs, and feelings of the nation to permit this to be done. Here we have the example of the great Jewish legislator acting under the direct inspiration of heaven, of the moral rectitude and expediency of temporizing with the feelings and prejudices of the people. Moses had the wisdom and foresight to see that no precipitate action could change the established internal structure of a nation or commonwealth in a day ; that the public mind and public feelings must be prepared for the event before they could be enforced. Would not many of the rabid fanatics of the present day do well to profit by their example ?

“Thou shalt not deliver unto the master the servant that has escaped from his master unto thee. He shall dwell with thee, even among you,”<sup>5</sup> &c. Here occurs another direction for the treatment of runaway slaves ; the law says they shall not be given up. But it is evident, from the language of the context, and the wording of the law itself, that it has reference only to such slaves as escape from heathen masters unto Israel. Moses was here giving laws for the government and discipline of the army, and the regulations of the camp, when they were at war

<sup>1</sup> Kings 4 : 1. Is. 50 : 1. Matt. 18 : 25.

<sup>2</sup> Gen. 14 : 14 ; 15 : 3 ; 17 : 29 ; 21 : 10. Ps. 86 : 16 ; 116 : 16.

<sup>3</sup> Lev. 14 : 47.

<sup>4</sup> Gen. 15 : 12-15.

<sup>5</sup> Deut. 23 : 15-16.



The ninth verse of the same chapter, and the sixth one preceding the text, says: "When the host [an army] goeth forth against thine enemies, then keep thou from every wicked thing." Through the tenth, eleventh, twelfth, thirteenth and fourteenth verses, follow a series of rules and disciplinary regulations for the camp; then follows the passage of law just quoted: "Thou shalt not deliver to his master the servant," &c. This has immediate reference to deserters who came over from the enemy to the camp of Israel. "They shall not be delivered up, but they shall dwell with thee, even among you, in one of thy gates." Such language could not be ascribed to an Hebrew slave, who escaped from one tribe to another, for he would already be a resident of Israel, and circumcised and dwelling among them. It could apply only to the stranger, who had come among them from a foreign land. And they were commanded to suffer him to remain with them when he pleased, and not to oppress him. This law was dictated by the policy of war, as well as by the policy of humanity; it was a kind of proclamation of liberty to the slaves of the enemy who would come over to their side. It is precisely the course adopted by Great Britain towards the United States during the revolutionary war. This provision was also undoubtedly favored by Moses for the reason that it would induce desertion, and bring many of the heathen to a knowledge of the worship of the one living and true God. He knew that the treatment of heathen masters was much more rigorous than that tolerated by his own laws; for the heathen master possessed power over his slave, even to that of life and death, and could whip, scourge and maltreat him with impunity. But not so among the Hebrews. Humanity and religion both pleaded for the protection of the fugitive; and Moses, therefore, would not suffer him to be forced back into the darkness of heathenism. But let it not be supposed for a moment that this rule could apply to a Hebrew slave, who had escaped from the tribe of Levi to that of Benjamin, or from one Hebrew master to another. For such an one to harbor and withhold his neighbor's servant, would be a violation of the tenth commandment; he could claim his property, which the Mosaic law gave him a right to hold.<sup>1</sup> But the law, so far, has reference

<sup>1</sup> "And Nabal answered David's servants, and said, Who is David? and who is the son of Jesse? there are many servants now-a-days that break away every man from his master." The Greek text of the Septuagint is: *σήμερον πεπληθυμενοι εισιν οι δουλοι αναχωρουντες εκαστος εκ προσώπου τοῦ κυρίου αὐτου*: literally, slaves running away from the vigilance of their own masters are multiplying all the time. Nabal was disposed to treat them as runa-

only to the government of slaves of Hebrew origin; we have thus far shown the many modifications which Moses inscribed in his code of laws, to modify the rigors and hardships of their ancient condition.

We will next pass to another class of slaves known among the Jews, who were of heathen origin. For these there was no jubilee, nor any limitation to the time of service; they were doomed by the law to be bondmen for ever. "Both thy bondmen and bondmaids which thou shalt have, shall be of the heathen round about you; of them shall ye buy your bondmen and bondmaids. And they shall be your possession [or property]; and ye shall take them for an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen for ever: but over your brethren, the children of Israel, ye shall not rule one over another with rigor."<sup>1</sup> The whole tendency of the legislation of Moses upon this subject seems to be to extinguish the slavery of the Hebrews, and to give them bondmen and bondmaids of the heathen round about them; and the last relic of it seems to have been where the poor depressed Hebrew was compelled to sell himself into slavery for debt, and the law could not permit him to be ruled over as a bondservant, but as an hired servant;<sup>2</sup> but he might be redeemed by his friends.<sup>3</sup> But it seems that it took many years to exempt a people, whom God had delivered from the yoke of Egyptian bondage, and conducted by a pillar of fire through the wilderness to the borders of the promised land, from this liability to become slaves. They had been delivered by a miracle, and chosen to be keepers of the oracles of the Most High, and to be raised up as a holy nation, a nation of kings and priests and prophets unto God. It would, then, seem incompatible with heavenly wisdom to suffer them to be held as slaves. But even this could not be dispensed with, without substituting in their stead a race of foreigners, who should be procured from heathen nations, and be a perpetual possession. And hence the command just quoted—"Thy bondmen and thy bondmaids shall be of the heathen round about you," &c. This shows to every unprejudiced mind the neces-

ways, and give them nothing, as though it would be a sin to harbor them. 1 Sam. 25 : 10. "And it came to pass, at the end of three years, that two of the servants of Shimei ran away unto Achish, son of Maachah, king of Gath. And they told Shimei, saying, Behold, thy servants be in Gath." Shimei saddled his ass and went down to Gath, and got his servants, and no one harbored them from him. 1 Kings, 2 : 39-41.

<sup>1</sup> Lev. 25 : 44-46.

<sup>2</sup> Lev. 25 : 40.

<sup>3</sup> Lev. 25 : 48.

sity, arising from the prejudices and deep-seated feelings in the Hebrew nation, of retaining and preserving to them the time-honored customs and institutions of their ancestors. This edict is one of the most remarkable to be found in the Jewish statutes. It established three distinct principles to be the perpetual law of that nation; first, that Hebrews themselves should no longer be regularly bought and sold as slaves (except in particular instances, and then in a qualified condition); second, that subjects of heathen princes were lawful articles of commerce; and third, that they should be heritable property, and descend to the posterity of the Jews to the latest generation. Here is the great culminating point of the institution in the laws of antiquity. Hitherto it had rested upon no better authority than the manners and customs of the patriarchs, under the implied sanction of their God. But now it was clothed with the potency of positive legislation. It came to them in a high edict from the Almighty, enacted amid the thunderings and the lightnings of Mount Sinai, and proclaimed by the flaming garments of Jehovah. Hence arose the high precedent and example, that has branched off into every nation of the earth, of trafficking in the subjects of heathen princes, and continued down through different channels to the present time. Here were two great principles of law established by the word of God, which we read is a truth for ever settled in Heaven; the one of the commercial, and the other of the law of inheritance, founded upon a moral and fundamental relation of mankind to one another, and to their God. Its effects were not to be limited to the Jewish nation alone, but it affected alike both Jew and Gentile, and has its influence upon all nations in the subsequent ages of the world. The right in the Jewish purchaser to buy implies, necessarily, a right in the heathen master to sell, and thus rendered the traffic a lawful commerce, as we shall see, nearly all over the world.

The direct and necessary consequence of this law was to open and keep open slave markets in the Gentile nations round about them.<sup>1</sup>

<sup>1</sup> "There ye shall be sold for bondmen and for bondwomen, and no man shall buy you." Deut. 28: 68 — i. e., in Egypt. "Ye have sold yourselves for nought," &c. Is. 52: 3. "Thou sellest thy people for nought," &c. Ps. 44: 12. "I will sell your sons and your daughters into the hands of the children of Juda, and they shall sell them to the Sabeans, to a people afar off." Joel, 3: 8; 3: 3. "And they have cast lots for my people, and have given a boy for a harlot, and sold a girl for wine," &c. "Yea, and what have ye to do with me, O Tyre and Zidon, and all the coast of Palestine." . . . "Because ye have taken my silver and my gold, and have carried it into your temples." "The children also

Becoming a lucrative branch of trade, it could not be confined to Palestine; but it would naturally, as it did actually, find its way into all other nations. And if it is a sin in itself, Moses, was as much to blame for entailing it upon the nations of the earth, as Adam was for entailing sin upon the human race. Many and varied have been the commentaries upon this statute of the Jewish lawgiver—many and varied the apologies offered for Moses, and for God himself, for enacting this law; but there it stands, as imperishable as the word of God, an everlasting monument in testimony of the truths which it proclaimed!—There are some peculiarities in the circumstances under which this law was passed, that were well deserving the consideration of the philosopher, the jurist, and the moralist, to enable them fully to appreciate its bearing and effect. It was given to be the perpetual law of a people that had just been delivered from a bondage of four hundred years, and who were destined to become the light of the world, and to be separated by a middle wall of partition from the darkness of the heathen round about them. The history of their delivery from Egypt and of God's providences towards them, showed that they were destined to be the keepers of his holy oracles, to be his peculiar people, and to become a holy nation, to bask in the sunlight of the worship of the one living and true God!

It was given to them at a time, too, when they had but recently thrown off the yoke of bondage themselves; when they were too poor and depressed to profit by it; when they were far removed from the customs and institutions of their ancestors, and when it might be well supposed that the recollections of their sins (if such they were) were fast dying out from their memories. Under these circumstances, coming from the source whence it did, it seems to have come with an overwhelming weight of testimony in favor of its necessity, rectitude, and moral power. If this time-honored institution, in the days of the ancient Patriarchs of Israel, was a sin—if this custom of Abraham, Isaac, and Jacob, is to be classed with the faults of polygamy, concubinage, and the like, and justified only upon the same grounds, (as is often asserted by modern theologians,)

of Juda and the children of Jerusalem have ye sold unto the Grecians, that ye might remove them far from their border." Joel, 3: 3-7. And he said, I am a young man of Egypt, (*δουλος*) servant or slave to an Amalekite. 1 Sam. 30: 13.—From this it would appear, that there were slave markets open in all countries round about Palestine, as well as in that country, and that a foreign and domestic slave-trade was extensively carried on.—"I got me servants and maids, and had servants and maids born in my house: I also had great possessions." Eccl. 2: 7.

why was it re-instated by the permission of High Heaven among their descendants, after their delivery from Egypt? Do we find the other vices mentioned sanctioned in the same manner, and to the same extent? And why did Moses, under these circumstances, permit them to buy and to hold a Hebrew male slave or servant for six years? And why did he limit this term of service to men servants, and for forty years, leaving the females even of the Hebrews to serve indefinitely? These are questions easier asked than legitimately answered. But how easily are they disposed of by some, by drawing the veil of mystery over the scene, and pleading ignorance of the ways and dealings of the Almighty; then seal the sacred volume, extinguish the light of divine truth, as a lamp to our feet and a guide to our lives.

It is often asserted that this example of Hebrew slavery furnishes no authority in justification of the slavery of modern times; that it was a peculiar institution, permitted to a peculiar people, to make the world tributary to them, as a punishment for the wickedness of heathenism, and for other reasons known only to its divine author; that it has been repealed, abolished, and done away with, by the advent of the Messiah and the Gospel Dispensation. It is not necessary here to discuss the mooted question among theologians, how far the doctrines of the Christian religion went to abolish the rights, ceremonies, and laws, of the Jewish nation. It is conceded by all, that the great principles of the moral law remained unchanged; neither can it be denied that the principles of the commercial law, and of the law of inheritance, remained the same, as we are expressly told that the founder of the Christian religion came not to abolish or destroy the law, that "his kingdom was not of this world," and not designed to interfere with the civil or political institutions any further than they were incompatible with its precepts. But do we find one word in the New Testament that directly or indirectly militates against this? Not one word. It would have overthrown the civil law of Israel. What, then, was the condition of the Mosaic statute in the days of the Apostles, and as long as the Jews were a nation or a province? To determine this, we must consider the nature of the government under which this ordinance was passed, and its influence upon the character and perpetuity of its laws. According to the scripture of the Old Testament, the government of the Hebrew nation was in the nature of a theocracy, or under the immediate supervision of God. It was at first administered by judges of divine appointment, who held the supreme rule until the days of the kings; hence, they were literally governed

by the laws of God. These laws were essentially perpetual, and could not be repealed or modified, except that it was done by the same authority that had at first given them sanction.

This state of things could not be interrupted, without an entire change of government, effected by a revolution.

Hence, the statutes of Moses, the great founder of the Jewish constitution and laws, necessarily continued in force, except such as were modified and repealed by the New Testament, as long as the Jewish nation existed. Neither the prevalence of the Roman dominion, nor the subsequent conquest of Titus and Vespasian over Palestine, had any effect upon the provisions of the commercial and of the civil law previously in force in that province. It is a well-established principle of the law of nations, as well as civilization, that the acquisition of one nation by another, by conquest or other ways, leaves the municipal laws and institutions unchanged, except so far as they are wholly incompatible with the government of the reigning sovereign.

But Hebrew slavery was not incompatible with the government of the Roman emperor, for the same existed in Rome. So that the Mosaic statute was still the law upon this subject in Palestine, even to the days of the Apostles, and as long as the nations of the Israelites existed. Having never been repealed, it still continues in all its moral force, although there is no nation now to which it is politically applicable. The laws of God were at first adopted by resolutions of the Plymouth colony. They were thus politically applicable to that people, and they, under their permission, purchased slaves, sold captives, &c.

Founded upon the fundamental relations of mankind to one another, and to their God, it rests upon the basis of moral principle, and stands unrepealed and unrepeatable. And at the ingathering of the ancient Israelites to resume their ancient nationality, this law, though it may have slumbered for thousands of years as a political dead letter upon the dusty alcoves of the libraries, yet will it then, like the Phoenix spirit, from its own ashes, spring into newness of life.

The late Professor *Moses Stuart*, of Andover Theological Seminary, in a pamphlet entitled "Remarks on the Recent Speech of the Hon. Daniel Webster" (referring to his great speech of 1850, on the subject of slavery), said (page 36): "The whole tenor of the Mosaic legislation on the subject seems to show that the permission to purchase heathen slaves, was one of the means employed by Moses to render heathenism

contemptible in the eyes of the Hebrews," "No one can reason from the case of the Jews—the favored, pre-eminent, secluded nation—to the case of men who lived after the coming of Him 'who broke down the middle wall of partition between Jews and Gentiles,' proclaimed one common God and Father of all; one common Redeemer and Sanctifier; that this God is no respecter of persons, and that he has 'made of *one blood* all the nations that dwell on the face of the earth.' I say no one can now crave liberty to purchase slaves of either Jews or Gentiles on the ground of Mosaic permission. He might as well insist on the liberty of polygamy and concubinage, both of which Moses allowed.<sup>1</sup> Where did Abram get his sixteen hundred slaves which God had given him, some of which were bought with his money, and some born in his house? And where did Sarah, his wife, get the Egyptian servant Hagar, before the covenant with Abram, by which Israel was chosen as the peculiar people of God's blessings? Upon what principle was this permission given to the Patriarchs to buy slaves, to hold them as heritable property, to do unto them as they pleased and transmit them to their children? Professor Stuart seems to have entirely lost sight of the force of this ancient custom of Patriarchal law, and the imperious necessity that compelled Moses to revive and reinstate it among their descendants when they should dwell in the promised land.

When they came near to the borders of Canaan, a thousand endearing associations connected with the history of their fathers sprang upon them. They grappled their time-honored customs and institutions to their hearts with locks of steel. They acquired this by association with the Egyptians who were a most tenacious people of their customs. But, if it was the object of Moses to degrade the heathen in the estimation of the Jews (as it only would), why did he permit the Hebrew women to linger in an indefinite servitude for forty years after the law of Jubilee, before he allowed them to partake of its benefits? And why did he allow them to purchase their brethren as slaves for six years?

The only rational conclusion is that the force of this custom

<sup>1</sup> But were polygamy and concubinage generally allowed? was there any general permission given to them by statute? I trow not. The sophistry of this argument consists in placing the historical narrative of the private vices of individuals on a par with the statute laws of Moses. The first and great command upon the subject, "Thou shalt not commit adultery," covers the whole ground; if there be any exception to this provided for by law, it is strictly limited and for a specific purpose. (See Note, post, page 46.)

was so inwrought into the policy, of their national existence, so time-honored and revered in the sacred memories of their fathers, that it could not be eradicated from their feelings; and even their own brethren could not be wholly exempt from its effects.

But because some of the Patriarchs and men of Israel fell into the evil practices of polygamy, concubinage, &c. (which are nowhere allowed or permitted by any law, ordinance, or decree of that nation, and which can only be imputed to them as the private vices of individuals), are they to be placed upon a footing with the customs and institutions sanctioned and upheld by the potent arm of divine legislation? Had Moses ever given general permission or sanction to polygamy and concubinage by any edict, law or ordinance, then, and not till then can the cases be considered parallel. The sophistry of an argument that quotes the private vices of individuals to condemn the laws and institutions of a nation, is too apparent to need refutation.<sup>1</sup>

Another class of anti-slavery writers array the prophets and followers of Moses against his holy enactments, and quote their language as in open opposition to the established laws and institutions of the nation.

Here again it is necessary to recur to the position which Moses and his ordinances occupy with regard to the prophets and later writers of the Jewish nation. He was the chosen

<sup>1</sup> "Thou shalt not commit adultery;" what thus becomes of polygamy? "Do not prostitute thy daughter to cause her to be a whore," &c., Lev. 19 : 29. "And he shall take a *wife* in her virginity," Lev. 21 : 13. If there is any passage in the Mosaic statutes that gives a general permission to take a plurality of wives, or to keep any number of concubines, it has escaped my observation. The whole spirit of the Mosaic code (with a single exception, and that for a specific purpose), from the seventh commandment to the end of the law, is against it. "And they say unto him, Master, this woman was taken in adultery, in the very act. Now Moses in the law commanded us that such should be stoned," &c., John 8 : 4-5. "Then shall they bring out the damsel to the door of her father's house, and the men of the city shall stone her with stones that she die," Deut. 22 : 21. Compare Deut. 22 : 28-29; also 24 : 1-6. "For this cause shall a man leave his father and mother and cleave to his wife; and they twain shall be one flesh," &c., Mark 10 : 2-9. Compare 1 Cor. 6 : 15-19, and 10 : 8. "Neither shall he multiply wives to himself," &c., Deut. 17 : 17. Compare Mal. 2 : 15, "And did he not make one," &c. "Neither shalt thou take a wife to her sister," &c., Lev. 18 : 18. "My dove, my undefiled is but one," &c., S. Sol. 6 : 9. "Give not thy strength unto women," &c., Prov. 31 : 3. "The seed of the adulterer and the whore," Is. 57 : 2-5. See Numb. 25 : 1-9. "For they be the children of whoredom," &c., Hos. 2 : 4-8. See Ezek. 16 : 27-39; 23 : 35-38.



instrument in the hand of God to deliver the Israelites from the cruel hands of Pharaoh, to be their counsellor and guide during their weary pilgrimage through the wilderness, to resuscitate the exhausted energies of the ancient Hebrew nation, and finally plant them safely within the borders of the promised land. He established a government and laws, to be their government and laws forever; not liable to be gainsayed nor subject to repeal and modification by any earthly ruler that should come after him. When did the subsequent prophets and teachers undertake to amend, gainsay, or abolish these laws? The universal answer must be, At no time whatever. Repeal them they could not, for their commission and business was to explain and enforce them. Amend them they could not, for they were already perfect in the sight of Heaven, and what they were designed to be under the whole Jewish dispensation.<sup>1</sup> Gainsay them they could not, for they held their offices by divine appointment, and this would have introduced confusion into the Mosaic jurisprudence. All they could do was to explain them, to rectify mistaken constructions, correct popular errors and enforce a rigid observance of all the requirements of Mosaic law. Yet a multitude of quotations from the prophets and later writers are pressed into the service of these abolition writers, who would fain place the prophets in the same hostile attitude towards the constitution and laws of Moses, that they themselves occupy towards the constitution and laws under which they live.

The principal one of these texts, and the one most frequently referred to, is that of Is. 58: 6. "Loose the bonds of wickedness; undo the heavy burdens; let the oppressed go free; break away every yoke." The prophet further enjoins that they shall give bread to the hungry, shelter to the poor wanderers, and clothing to the naked. He then adds (by way of a general duty to their brethren, including all the foregoing injunctions): "Hide not thyself from thine own flesh!" Surely it does not include heathen slaves. The prophet could not have commanded the Jews in defiance of the Mosaic statute, by virtue of which they held them as heritable property to be their bondsmen forever; to break their yoke and let them go free. The term, "thine own flesh" means their kindred by blood, fellow countrymen, citizens of the same commonwealth.<sup>2</sup>

The passages referred to above have no special relation to slaves, either heathen or Jewish, unless, perchance, it might

<sup>1</sup> "Whatsoever God doeth, it shall be for ever: nothing can be put to it, nor any thing taken from it." Eccles. 3: 14.

<sup>2</sup> Gen. 29: 14. 2d Sam. 5: 1; 19: 13, 14. Judges, 9: 2.

include a certain class of poor oppressed Hebrew slaves who were wrongfully held by their masters, and not liberated when their term of service had expired.<sup>1</sup> Another passage is often cited as a denunciation against slavery, which reads thus: "Woe unto him that buildeth his house by unrighteousness and his chambers by wrong; that useth his neighbor's services without wages and giveth him not for his work."<sup>2</sup> To preserve a due consistency between the law and the prophets, through the ecclesiastical jurisprudence of the Jewish nation, some other interpretation must be sought to this passage than a denunciation against the laws and institutions of Moses. In view of this law, it would be a strange idea to hear the prophet speak of defrauding slaves of their wages, and hence we find that the whole matter is explained by the language of the context (vs. 11), which shows that the oppressive and tyrannical Shallam, the degenerate son of Josiah, and heir of his throne, is the sole object of this denunciation. "He built large chambers, wide houses ceiled with cedar and painted with vermilion," by exactions upon his subjects. Another passage is also often cited: it reads thus: "Open thy mouth for the dumb, in the cause of all such as are appointed to destruction; open thy mouth; judge righteously and plead the cause of the poor and needy."<sup>3</sup> It seems that the dumb, here spoken of by the prophet, were those who had cases pending before some judicial tribunal, who were poor and needy and about to be ruined or appointed to destruction by some privation of their rights, whose pleadings could not be heard in consequence of their want of influence and power, and thus by some bribed, corrupt, and unjust judge who refused to hear their pleas or redress their wrongs, they were forced to be dumb. But would this language apply to heathen slaves? had they any causes to be heard in the Hebrew courts of justice which could then be pleaded and righteously adjudicated? No one will so pretend. By the law of Moses they were the property or money of their master, and had no rights independent of their interest or their will. Another passage: "Do justice to the afflicted and needy; rid them out of the hand of the wicked."<sup>4</sup> The Psalmist is not here preaching treason against the government and laws of his country, by commanding the people to wrest the slaves from the power and authority of their masters, in open defiance of the Mosaic statute. This language is also addressed to the judges who act unjustly: "How long will ye judge unjustly and accept the

<sup>1</sup> 24 : 10.<sup>2</sup> Jer. 22 : 13.<sup>3</sup> Prov. 31 : 8, 9.<sup>4</sup> Psalms, 82 : 3, 4.

persons of the wicked?" "Defend the poor and the fatherless, &c.;" then follows the above quotation.

The wicked here spoken of must mean those who dragged the poor people into courts, to force exactions from them through the injustice of the judges. But the question again recurs, had the judges, as such, anything to do with the slaves? Were they ever brought into courts by their masters? The answer is at hand; the masters needed no court but their own, and had a summary process within their own power.<sup>2</sup>

Another quotation is often cited: "Ye have not hearkened unto me in proclaiming liberty, every one to his brother, and every man to his neighbor."<sup>3</sup> In this passage, also, we cannot apply the terms brother and neighbor to the heathen slaves that were lawful articles of property. But the context shows us that the prophet is here threatening the Jews with Divine judgments on account of their disobedience and perfidy to the law of Moses, in not liberating their brethren when their time of service had legally expired, or when the jubilee year had come.<sup>4</sup> We read that, in many instances, they paid no regard to this provision of the law, but continued to hold them in bondage. Another passage is also cited for the same purpose: "Hide the outcast, bewray not him that wandereth."<sup>5</sup> But who are the outcasts and the wanderers here spoken of? Are they runaway slaves? A glance at the context shows us that they were the fugitive daughters of Moab who fled from their sanguinary invaders and sought safety in the land of Israel. The prophet presents them as addressing the Hebrew people, beseeching them (in the words quoted) to conceal them in a place of safety and not to tell the pursuing enemy where they are; that is, not to bewray them. What application, then, has this language to the case of a slave escaping from one tribe of Israel to another? Many other quotations that are often made by abolition writers might be explained in a similar way; but these are sufficient to illustrate the truth that the consciences of the prophets and later rulers of the Jewish nation could never come in conflict with the constitution and laws of Moses.

It cannot be denied by any candid person, that the traffic in

<sup>1</sup> Ps. 82 : 2.

<sup>2</sup> "A servant will not be corrected by words, for though he understand he will not answer." Prov. 29: 19. The Greek text of the Septuagint has *οικετης ακληρος* an unruly or turbulent slave cannot be corrected by words, plainly indicating that he must be whipped. "And that servant that knew his master's will and did it not, shall be beaten with many stripes," &c. Luke, 12 : 45-47.

<sup>3</sup> Jer. 34 : 17.

<sup>4</sup> Idem. vs. 12-16.

<sup>5</sup> Isa. 16 : 3.

heathen slaves was sanctioned by the laws of the Jewish nation ; that it was held by them to be a principle of common law, acknowledged by common consent as a universal custom or principle of commercial law, and that such slaves were property, transmissible and heritable. Now, we ask, if that institution is a great moral evil, a *malum in se*, a high-handed sin against God, to be classed with polygamy, adultery, theft, perjury, and the like, why was it thus sanctioned by the law of Moses ? Is there any instance, in the Mosaic statutes, where permission is given to steal, to commit adultery, perjury, and the like, for any purpose, or under any circumstances ? Can it be supposed that this illustrious example would have been set, and this high precedent been established before the world by Him who cannot err, had it been in itself a sin against God ? These are questions which we suggest to anti-slavery theologians to read and ponder.

---

### ESSAY III.

#### GREEK SLAVERY.

BEFORE proceeding to consider the position of Christ and his Apostles with regard to the constitution and laws of Moses, and to discuss the principles and doctrines of the New Testament in relation to the institution of slavery, we propose to present some of the leading features of that institution, as it existed in those countries where they dwelt, and where they travelled, and spent their labors, and with which they must have been familiar.<sup>1</sup>

It is sometimes asserted that the word slave does not occur in the Bible ; therefore, we call the attention of the reader to the words that are used by certain profane writers in treating

<sup>1</sup> At the commencement of the Christian era, the Roman empire extended over the ancient Greek nation, and those States were held subject to the dominion of Rome, with which Christianity had to contend. Yet each State retained its own peculiar laws, institutions, and municipal regulations. Hence, it becomes necessary, in showing the proper relation of Christianity to the institutions of civil government in this particular, and the true position of Jesus Christ and his Apostles with regard to the slavery of the Roman empire at that time, to give an analysis of the laws and government of that institution in ancient Greece, as well as Rome.

upon this subject, which we will show to be the same that are used in the Scriptures of the New Testament, and that they mean what we understand by the word slave. The reason why that word is not used in the New Testament we will explain hereafter.

Greece, like other nations in their infancy, was, in its early ages, in a state of piratical warfare. The Pelasgic tribes seem to have led somewhat of a nomadic life; and cattle, as the great means of subsistence, were the first objects of plunder. Here, the same law of necessity gave rise to the custom of reducing captives to bondage. To turn their slaves, so acquired, to some profitable source of revenue, necessity again induced the inhabitants, by degrees, to engage in agricultural pursuits; finding them thus profitable, men, women and children were eagerly sought after as slaves. A sea that had innumerable islands, coasts and ports, would naturally offer powerful incentives to the kidnapper. Hostilities would naturally ensue, and hence might first arise the estimation of Greek piracy, which laid the foundation of Greek commerce, and became such a fruitful source of slavery.

One of the fundamental principles in the early organization of Grecian society, was, that freemen should be all equal, and that they should be served by slaves. The soil was cultivated by slaves on the public account, the freemen eat together at the public tables, and their families were provided for from the public stock.<sup>1</sup> There is a time referred to, by the historians of Greece, when the Hellenes are said to have possessed no slaves.<sup>2</sup> In the Homeric period, however, we find that it prevailed throughout the Grecian States. These are the evils, we are told in the Iliad, that follow the capture of a town: the men are killed; the city is burned to the ground; the women and children of all ranks are carried off into slavery.<sup>3</sup>

The complaint of old Priam, of the slaying of his sons, and the dragging of his daughters into slavery, is another allusion to the slavery of captives.<sup>4</sup> The command that Penelope's housekeeper gives to her attendants, shows that she had quite a number at her command.<sup>5</sup> We read that no less than twenty

<sup>1</sup> See Laws of Minos, by Plato and Aristotle. Sicily, Corinth, and Argos, were thus divided.

<sup>2</sup> Thus Herodotus, speaking of the Athenians, says, vi. 137: "οὐ γὰρ εἶναι τούτων τὸν χρόνον σφίσι καὶ οὐδὲ τοῖς ἀλλοῖς Ἑλλησίουκεται." "They say there was a time when they were not slaves to the other Greeks."

<sup>3</sup> "Τεκνὰ δὲ τ' ἀγορεύει ἄλλοι βαθυζώνους τε γυναῖκας." Ill. ix. 594. "And others carry away the children and women of high rank."

<sup>4</sup> Ill. xxii. 62.

<sup>5</sup> Odys. xx. 149.

were required to execute her orders; the whole number of maid-servants were fifty. These and many other instances that might be cited, show that slaves were quite common and numerous during this heroic period. But at this time the slaves were mostly captives taken in war; though this was not universally the case, for captives are made articles of sale in Homer.<sup>1</sup>

As in all other nations, in the march of civilization, when predatory excursions had grown less frequent, and the States had become more powerful, better able to defend themselves, and life, liberty, and property had become more secure; there was, at length, no method by which slaves could be obtained except by purchase. Hence the *δορίαλωτοί* (the captured slaves), and the *αργυρωητοί* (the purchased slaves), were always distinguished.<sup>2</sup>

In the progress of civilization it became a custom for the Hellenes to set the captive Greeks free for a certain ransom, feeling ashamed of enslaving their own countrymen. But just in proportion as this source of supply failed, the traffic in barbarians, at the same time, increased to supply their places.<sup>3</sup>

Although the idea, that Greek could not justly enslave Greek, put an end to the subjugation and slavery of their own countrymen, yet we nowhere find a dissenting opinion to the legality of the traffic in barbarian slaves.

This, as we have seen, was admitted by universal consent to be a lawful commerce. Plato, just and humane as he was, never dreamt of excluding the slave elements, in this form, from his ideal state, which was to include nothing inconsistent with nature and reason.

He says, in his sixth book of laws, "there is nothing sound in the feelings of a slave (*δουλος*); nor ought a prudent man to trust them in anything of importance," as the wisest of all poets says:—

"Jove fixed it certain, that whatever day  
Makes man a (*δουλος*) slave, takes half his sense away."

<sup>1</sup> "*δορίαλωτοί*." *Odyss.* xv. 483.

<sup>2</sup> *Isocr.* *Platæ*, 9, p. 406.

<sup>3</sup> "*Ουκ ἦν πάτριον τοῖς Ἕλλησιν ὑπο ἀργυρονητων τὸ παλαιὸν διακονεῖσθαι.*" It was not yet a national custom with the Greeks to be waited upon by purchased slaves. *Timæus* apud *Athen.* vi. p. 264: "*Χιοὶ πρῶτοί των Ἑλλήνων μετὰ θετταλους καὶ Λακεδαιμονίους ἐχρήσαντο δούλοις, την μόντοι κτησιν αὐτῶν οὐ τον αὐτον τροπον ἐκείνοις. Χιοὶ δὲ βάρβαρους κέκτηνται τους οἰκέτας καὶ τιμην αὐτῶν καταβάλλουτες.*" The Chians were the first Greeks after the Thessalians and Lacedæmonians who purchased slaves with money. This mode of acquiring them was not yet customary with these people. But the Chians obtained only barbarian slaves, overcoming their valor.

He says in the same passage: "Two remedies now are left us, either never to allow for the future any person's (*δουλος*) slave to be one another's fellow countryman, or, as far as possible, to prevent him even speaking the same language."

"But he would, else, treat them all well, not only for their own sake, but still more for their owners. The master should behave towards them with as little insolence as possible. But it is right to chastise them with justice; not punishing them as if they were freemen, so as to make them arrogant; and every word he addresses to them should be, in some sense, a command. A master ought never to play or jest with his (*δουλοι*) slaves, whether they be male or female. And as to the very foolish manner in which some people treat their (*δουλοι*) slaves, allowing them great license and indulgence, they only make it the more difficult for both parties; the harder for the one to command, and for the other to obey."

Aristotle, in his *Politics*, discusses the subject as follows: "A (*δουλος*) slave is simply the property of his master; but the master stands in many other relations besides that of proprietor to his (*δουλοι*) slaves.

Such is the nature of slavery. We proceed to examine whether the institution be wise and just.

To determine this question, it will be sufficient to contemplate the ordinary course of nature, and to deduce from our observations clear inferences of reason.

Government and subjection are things useful and necessary; they prevail everywhere in animated, as well as brute matter. From their first origin, some natures are formed to command and others to obey; the kinds of government varying with the difference of their subjects; but all equally useful and proper for their respective ends; and those kinds the most excellent from which the most excellent consequences ensue. In compositions endowed with life, it is the province of mind to command and of matter to obey.

Man consists of both soul and body; and in all men rightly constituted the soul commands the body; though some men are so grossly formed or constituted, that the body seems to rule the soul. But here the order of nature is perverted. Those men, therefore, whose powers are chiefly confined to the body, and whose principal excellence consists in rendering bodily service, those, I say, are naturally (*δουλοι*) slaves, because it is for their interest to be so; they can obey reason, though they cannot exercise it, and though different from tame animals,

<sup>1</sup> Athen. *Diep.* p. 412. The Athenians passed a law against those who ill-treated their slaves, called the "*γραφη υβρέως*." Plato *De Leg.* vi.

which are actuated merely by their sensual appetites, they stand in a very similar relation, and become the property of other men because their interests and safety require it.<sup>1</sup>

In conformity with these observations, nature, we see, has variously moulded the human frame. Some men are large, compact, and firmly built, while others are erect and graceful, unsuited in their constitutions to severe labor, but capable of sustaining, honorably, the more responsible offices of the State. This rule, however, is not universal, for a servile mind is sometimes lodged in a graceful person, and we have often found bodies formed for service animated by the souls of freemen. Yet the distinction is not frivolous, for were a part of mankind arranged in that splendor of beauty that beams from the statue of the gods, universal consent would acknowledge the balance of the race formed to be their (*δοῦλοι*) slaves. The difference of minds, though less obvious, is far more characteristic; whence we may conclude that (*δοιλλία*) slavery is founded both in utility and justice.<sup>2</sup>

The (*δοιλλία*) slavery may be taken in two senses; in one of which he is a (*δουλος*) slave who submits to the laws of war, commanding the vanquished to become the property of the victors.

1 . . . . “ποτερον εστιν αρετή τις δούλον παρά τας οργανικὰς καὶ διακοινικὰς ἀλλή τιμίωτερα τούτων, οἷον σωφροσύνη καὶ ἀνδρεία καὶ δίκαιοσύνη . . . εἰτὲ γὰρ ἔστι τί διοί- σοις τῶν ἐλευθέρων; εἰτὲ μὴ ἔστιν, ὅντων ἀνθρώπων καὶ λογῶν κοῖνωνόντων, ἀποπον.” De Republ. I. 13, p. 1259. He asks the question, whether any slave is not benefited by being engaged in offices and ministerial duties more exalted than he otherwise would be, as to his intelligence, his manners, and moral principles; for that this is true, what freeman will deny? Since, to hold the contrary, is derogatory to the wisdom of those men who associated with them. Again: “ἔστι γὰρ φύσει δούλος ὁ δυναμένος ἄλλον εἶναι δι’ ἄλλον καὶ τοῦτον.” “For a slave is by nature the subject of another (to whom he belongs).” “καὶ ὁ δούλος κτήμα τί ἐμφύχον.” De. Rep. I, 4. “And a slave is a certain living piece of property.” “Ὁ γὰρ δούλος ἐμφύχον ὄργανον, τὸ δ’ ὄργανον ἀψύχος δούλος.” Eth. Nicom. viii. 13, p. 1161. Again: a slave is a living machine; but a machine is a dead slave.

<sup>2</sup> In the days of Aristotle, it should be observed, the world had but a limited knowledge of the entire human race. The numberless human beings classed under the Malay, the Polynesian, African and American, were almost entirely unknown to the Greek naturalists of his day. Yet, what Aristotle has here advanced as speculative theory, founded upon a limited observation, the late celebrated Dr. Morton has demonstrated from the most extensive observation and experiments. He has demonstrated the intellectual inferiority of certain races, from the size and conformation of the brain. He has, perhaps, examined more skulls, measured more heads, and tested more accurately the size, weight, and formation of the brain of the different races, than any other man that ever lived. (Crania Egypt., and Crania Amer.)



This is acknowledged to be law, but the law itself is said to be unjust; on this subject, the wise hold different opinions. To avoid this difficulty, it is proposed to limit the law to the case of barbarians vanquished by Greeks. Thus, there are two kinds of slavery, the one founded in nature, the other established by law.<sup>1</sup>

Posidonius, the stoic philosopher, in his eleventh book of history, says that many men, unable to govern themselves, by reason of the weakness of their intellects, give themselves up to the guidance of wiser men than themselves, in order that they may receive from them such care, advice and assistance as they need; and, in their turn, requite their benefactors with such services as they are able to render. In this manner the Maryandyni became subject to the people of Heraclea, promising by contract to act as their subjects for ever, if they would supply them with the necessaries of life. And Archamachus, in the second book of his history, says when the Beotians had founded Armaea, those of them who did not return to Beotia, but took a fancy to their new country, gave themselves up by agreement to the Thessalians, to be their slaves. And these people are now called the Penestæ.<sup>2</sup>

At an early period, the Greeks obtained most of their slaves from Asia. The chief emporia for slaves and the slave trade, were from the extensive Scythian regions, Ponticapæum, Diascurias and Phanagoria, all on the Euxine, or Black Sea. Scythians, Lydians, Carians, Mysians, Cappadocians, were all laid under contribution by the kidnappers and traders; predatory excursions were also made by the Greek pirates into Cilicia and Pamphylia, and great numbers were carried off to the market-places of Tyre, Sidon, and even Delos.<sup>3</sup>

At Athens and Corinth, as well as elsewhere, there were regular slave-markets, where the slaves stood for selection.

<sup>1</sup> A similar provision to the law of Moses, which forbid Jews to enslave Jews. It was the general opinion that Greeks could not enslave Greeks; the institution was maintained only on the right of the Greeks to enslave the barbarians, and thus bring them within the pale of civilization. See Aristotle's *Eth.* and *Polit.*, translated by Gillies, 3d Lond. ed., 1813, vol. ii., p. 29, et seq.

<sup>2</sup> Athen. *Deip.*, p. 411-12. Here are two instances of a sensible exercise of the glorious privileges of liberty, about which we hear so much; they enjoyed the liberty to choose between slavery or starvation and death; they chose the former; and how many thousands of poor wretches are there in the world that would fain follow their example!

<sup>3</sup> Gell's *Greece*, Art. Slavery; Smith's *Greek and Roman Antiq.*, Art. Slaves.

The slaves, when exposed in market for sale, were naked, or had to strip themselves as it pleased the purchasers.<sup>1</sup> The law also made the seller responsible for any defect. The market-places were called the *κυκλοί*.<sup>2</sup> They were also named the *πρατήρ λιθος*, which is analogous to the Latin phrase, *Lapis de lapide emptus*, referring to the rock on which they stood when exposed to sale. The prices, as elsewhere, varied according to their quality. The most usual prices were from one to ten minæ,<sup>3</sup> though trustworthy men, who could act as overseers, brought far higher sums. The story goes, that when somebody asked Aristipus what he would ask for instructing his son, he answered he would demand one thousand drachmæ; on which the father replied that he could purchase a slave for that money (about eighty dollars of our money).<sup>4</sup> Of course, slaves who were artisans by trade (as many were), varied much in their skill, and the difficulty of their occupation.<sup>5</sup> Next to the purchased slaves (called by Plato *αναμφίσβητητως δοῦλοι*), came those born in the house, called *οἰχοτρίβες* or *οἰκοτρίψ*, or *δοῦλοι οἰχογενεῖς*. The *οἰχοτρίβες* were the offspring of the master and a female slave, or of two slaves, and in the latter case, they were called the *αμφιδουλοί*, or the descendants of two slaves.

There were no learned slaves, as at Rome, nor any who were kept to minister to pleasure—such as dancers, actors, or musicians. This, however, was not the case at a later period, when the influence of Roman manners began to be felt.<sup>6</sup> The

<sup>1</sup> . . . . "Οἱ μὲν ἡσίων ἀποδύσαντας αὐτον ὥσπερ τοὺς ἀργυρωνητοὺς ἐπὶ σκοπεῖν." Lucian Eunuch, 12. They made them strip naked at the pleasure of the purchaser.

<sup>2</sup> . . . . "Κυκλοί ἑκαλουντο οἱ τοποὶ, ἐν οἷς ἐπωλοντο τινες ὠνομασθησαν, διὰ τοῦ κυκλῶ περιεσταναί τοὺς πωλουμένους." Poll. 3, 78. The places in which some kinds were sold, were called "*the circles*." They were named from the fact that the slaves stand around the [bidders] in a circle.

<sup>3</sup> "Τῶν γὰρ δὲ κέτῳ ὁ μὲν πρὸς δύο μῖνων ἄξιός ἐστιν ὁ δὲ οὐδ' ἡμίμναιον, ὁ δὲ πέντε μίνων, ὁ δὲ καὶ ἑκα. Νικίας δ' ὁ Νικηράτου λεγεται ἐπιστάτην εἰς ταργυρία τραισθαί ταλαντον." Xenoph. Memor. ii. 5, 2. Some slaves are worth two minæ or thereabouts (§16), others less; others, again, are worth five and six minæ. Nicias, the son of Niceratus, is said to have given a talent (§480) for an overseer for the mines.

<sup>4</sup> Plutarch, De Educ. 7.

<sup>5</sup> . . . . "μαχαίροισιν (κατελίπεν ὁ πατήρ) τριάκοντα καὶ δύο ἢ τρεῖς, τοὺς μὲν ἀνα πέντε μινᾶς ἢ καὶ ἐξ τῶν δ' ὅνκ ἐλαττονος ἢ τριῶν μίνων ἀξίους . . . κλινιστοῖς δ' εἰκοσὶ τοὺς ἀπὸ θύμης τετρακοντα μίνων ὑποκείμενους." Demosth. in Aphob. i. p. 816. A certain father left by will thirty sword-makers, some worth two, and over three; some worth more than five or six; and some, on the other hand, worth not more than three minæ; also twenty upholsterers, appraised at the sum of forty minæ for these alone.

<sup>6</sup> "Χαίρκει γὰρ μὴν πολὺς ὀρχηστρίδων καὶ μουσουργῶν ἔειπετο." Lucian, Amor.

position of the Greek slave was far preferable to that of the Roman, in reference to his master, and this is principally to be attributed to the character of the Athenian, which led him to establish a confidential relation between himself and his domestic. Hence the mute obedience of the Roman, and the familiar garrulity of the Greek slave.<sup>1</sup> With regard to the difference between the punishment imposed upon the slave and the freeman, the leading distinction appears to be, that in every instance a corporal penalty is inflicted on the former, while in the case of the latter this is the last resort.<sup>2</sup>

10. Karielis employed a number of stage-players and musicians. The rich kept negroes and eunuchs, the former for mere vanity and love of show — “μικροφιλοτιμον ἐπιμεληθῆναι ὅπως αὐτῷ ὁ ἀκόλουθος Αἰθιοφῶ εἰσται.” “Any vain lover of display has a negro body-servant to wait upon him.” Theophr. Char. 21. But eunuchs were prized for their fidelity; hence they were employed as treasurers. In the retinue of the Lady of Smyrna, mentioned by Lucian, there was πλῆθος εὐνοουχῶν, the full accompaniment of eunuchs, Herod. viii. 105; Holidor. Ethiop. viii. 17. The porter in the house of Callias, was a eunuch, Plato Protag. p. 314. There is no ground for the supposition that they were kept as protectors to the women.

<sup>1</sup> There is an amusing anecdote illustrative of this fact related by Plutarch (D. Garrul. 18). P. Piso had ordered his slaves never to speak about anything unless when asked. On one occasion he invited Clodius to a banquet. The guests arrived, all but Clodius; Piso repeatedly sent the slave who had carried the invitation, to look if he were coming. At last he asked him whether he was sure that he had invited Clodius; quite sure, replied the slave. Why does he not come then? inquired Piso. Because (massa) he declined, answered the slave. And why did you not tell me that before? “Because you did not ask me,” replied the slave. Plutarch adds: “Ὁθῶς μὲν, Ῥωμαῖκος οἰκίτης ὁ δὲ Ἀττικὸς ἐρεί. τῷ δεσποτῇ σκάπτων, ἐφ’ ὅς γε γεγονασὶν αἱ διαλυσῆς οὕτως μέγα πρὸς πάντα ὁ εὐθισμός ἐστι.” Unlike the Roman slave, the Grecian, while delving, conversed familiarly with his master, thus becoming reconciled to one another; the custom is greatly preferable to all other kinds of treatment. Though Plato requires the master always to observe a grave deportment towards his slaves, Leg. vi. p. 777.

<sup>2</sup> . . . “Καὶ μὴν εἰ Θελοῖτε σκέψασθαι παρ’ ὑμῖν αὐτοῖς ὧ ἀνδρὲς δικάσται, τι δούλων ἢ ἐλευθέρων εἶναι ὑίαιφεί, τούτο μεγίστον ἂν εὐροῖτε, ὅτι τοῖς μὲν δούλοις τὸ σῶμα τῶν αἰκημάτων ἀπαντῶν υπεύθυνον ἐστὶ, τοῖς δ’ ἐλευθεροῖς ὑστατον τούτο προσήκει κολαζειν.” “Oh! ye administrators of justice, if any one is compelled to lean upon you for protection, there is a great difference between being a freeman and a slave: since with a slave it is found most expedient to hold the body accountable for all offences. Whereas, to chastise, is the last punishment that pertains to freemen.” Demosth. in Tim. p. 752. “. . . καὶ ἐξή μὲν τοὺς ἐλευθέρους ὅρκοις καὶ πιστεσίαν ἀναγκάζειν ἃ τοῖς ἐλευθεροῖς μαγίστα καὶ πλείστου ἐστίν, ἐξή δὲ τοῖς (δούλοις) ἐπειραις ἀιγαις, ἐφ’ ὧν, καὶ ἢν μελλῶσιν ἀποθανεῖσθαι, κατέποντες, ὁμῶς ἀναγκάζονται ταλῆθη λεγειν.” Antiprho De Chocut. p. 778. It is lawful to condemn freemen upon creditable statements under oaths; this is by far the most binding consideration with

It was forbidden to strike a slave at Athens, for fear of hitting a freeman by mistake, as there were those in dress and appearance not superior to the slaves and the *meteoci*; but this regulation applied only to strange slaves, and not to one's own.

It was permitted to institute the action founded on the *γραφὴ υβρεως*, for injury done to a slave. But this law was not enacted for the benefit of the slave; but for the benefit of freemen. The slave had no source of redress for wrong except through his master. The only defence the slave had against his owner's ill treatment, was to take refuge under the Theseion, or at some other altar, whereupon the master might be forced to sell him.<sup>1</sup>

There was, also, a custom of beating and driving a slave out of doors on a certain day in the year, as a personification of want and worthlessness.<sup>2</sup>

The method of using slaves for witnesses is illustrative of their general treatment. Their simple statements passed for nothing, unless extorted by the rack; except, perhaps, when they came forward as (*μηνται*) informers in cases of heavy crimes, such as murder.<sup>3</sup> The punishment inflicted on slaves was, almost invariably, corporal. We find no instances of marks of ignominy, or of having been degraded, like the branding and *furca* of the Romans. Beating with rods, thongs, or whips, was the usual mode.<sup>4</sup> Fetters (*πέδαι*) were often fastened on the feet, not only as a punishment, but to prevent the escape of the slaves, especially those that worked in the fields or mines.<sup>5</sup>

them; but it is customary to condemn slaves upon other sources of evidence, from which the accusers must be under the penalty of death, and thus be compelled to speak the truth. But the slave was not allowed to defend himself in a court of justice. Plato, *Gorg.* p. 483. But his master might take up for him. It was forbidden to strike a slave at Athens, for fear of hitting a freeman by mistake. Xenoph. *De Rep. Athen.* 1-10.

<sup>1</sup> See Petit. *Leg. Att.* p. 258.

<sup>2</sup> . . . "Καλεῖται δὲ Βουλῖμον ἐξελασίς, καὶ των οἰκετῶν ἕνα τῦποντες ἀγνῖαίς ῥάβδοις διὰ θυρῶν ἐξελαίνουσιν ἐπιλεγόντες. Ἐξω Βουλῖμον ἔσω δὲ πλοῦτον καὶ υγιείαν." Plutarch *Symp.* vi. p. 851. It was called the expulsion of Boulimus, or starvation, and beating the slaves with tender willows, they drove them out of doors, saying, "*Starvation without, but riches and plenty within.*"

<sup>3</sup> This was called *ἐκ του σωματος*, or *ἐν τω δερματι του ελεγχον δίδοναι* to testify with the body, or in the skin. Demosth. *adv. Thimothe.*, p. 1200.

<sup>4</sup> Plutarch *de Cohib. Ira.* 11.

<sup>5</sup> . . . "Καὶ αἱ πολλαὶ δὲ αὐταὶ Ἀττικαὶ μυρίαδες των οἰκετων δέδεμεναὶ εἰργαζοντο τα μεταλλα." Athens. vi. p. 272. As many as ten thousand Grecian slaves, being fettered, worked in the mines. The *ποδοκακη* was a cumbrous fetter, used as a punishment for runaways. Demosth. in *Timocr.* p. 733. The *ξυλοι* was an elaborate apparatus, in which the culprit was fixed, with his neck, hands, and feet, in five different holes. Aristoph. *Equites*, 1049.

The penalty of death could only be inflicted with the sanction of the law, and not merely at the will of the master, as among the Romans.<sup>1</sup>

Branding was common for running away, and other light offences, within the jurisdiction of the master.<sup>2</sup>

Captives taken in war were sometimes thus dealt with, in cases of peculiar animosity.<sup>3</sup> It is difficult to determine to what extent the character of the slaves themselves might render such harsh treatment necessary; for it is from their masters that we derive these accounts and get all our information.

It would be absurd to deny, that there were not, among the great multitude of slaves in Greece, many intelligent, worthy, and noble-minded persons.<sup>4</sup>

On the other hand, it is, no doubt, true, that there were many who, by the degradation of their nature, their want of fidelity to their masters, and their vices of all kinds, might well deserve their lot. Runaway slaves were not uncommon, even when there was no war to encourage their desertion.<sup>5</sup>

Slaves were sometimes manumitted by the state, as a reward

<sup>1</sup> Antipho de coede Herod. p. 727.

<sup>2</sup> A mark of some kind was branded upon the forehead, and many strove to conceal it under their hair; hence the poet says,

“Κομην τρέψων μὲν πρῶτον ἱέραν τοῦ θεοῦ,  
ὡς φασίν, οὐ δὲ διὰ τοῦτο γ’, ἀλλὰ ἐοτίγμενος  
πρὸ τοῦ μέτω που παραπέτασθαι αὐτὴν ἐχέει.”

Combing the hair forward, they call a religious rite; but it is not for that purpose — any one being branded, has this for a veil upon the forehead. Dephilos, apud Athen. vi. p. 225.

<sup>3</sup> Plutarch, Pericl. 26.

<sup>4</sup> Plato says, “πολλοὶ γὰρ ἀδελφῶν ἤδη δούλοι καὶ νέων τισὶ κρείττους πρὸς ἀμείνην πᾶσαν γενομένοι σπασώκασι δεσποτῆς καὶ κτηματὰ τὰς τε οἰκησείας αὐτῶν ὅλας.” Plato, Leg. vi. p. 776. “For many, becoming slaves, are superior to certain persons, brethren and their descendants, in all that is virtuous, and protect their masters in a more faithful manner, and also their household possessions.” But here is no intimation of an intellectual inferiority or distinct physical organization. The τισὶ ἀδελφῶν means, to some of their own type or countrymen, and their descendants, who were superior only in wealth, or some civil rank, or condition, conferred upon them by the existing state of society.

<sup>5</sup> Plato, Protag. p. 310. On this account the slave preceded the master when going out, instead of going behind, lest he should escape. Theophr. Char. 18. “Καὶ τὸν παῖδα δὲ ἀκολουθούντα κελνεῖν αὐτοῦ ὀπίσθεν μὴν βᾶδιζειν ἀλλ’ ἐμπροσθεν ἵν’ ἀφυλακτῆσαι αὐτῷ μὴ ἐν τῇ ὁδῷ ἀποδραση.” “He commanded the lad accompanying him, not to go behind, but before, that he might watch him, lest he should escape.” Slave rebellions were frequent. Athen. vi. p. 272; Plato, Leg. vi. p. 777.

for certain services; such as informing against criminals, or good conduct in war; but the master was always indemnified.<sup>1</sup>

At other times, they obtained their freedom by paying their master the amount he had paid for them. But these freedmen (απελευθεροί) always remained in a sort of dependence upon their master, and the neglect of their duties gave rise to the (δίκη ἀποστασίον) action of separation.<sup>2</sup>

Besides the slaves, there were many of the poorer classes, especially among the (μετοίχοι) foreigners, who performed the same services for hire, who were called μισθωτοί (from μίσθος wages).<sup>3</sup>

Men frequently lived with female slaves as (παλλαχῇ) concubines; and in all such instances, as well as in case of free women with slaves, the children resulting from this intercourse were free only by exception.<sup>4</sup>

<sup>1</sup> Plato, Leg. xi. p. 914.

<sup>2</sup> This explains the law proposed by the orator Lycurgus — “μηδὲν ἐξεῖναι Ἀθηναίων, μηδὲ τῶν οἰκούντων Ἀθηνησιν, ἐλευθέρῳ σῶμα πρῆσθαι ἐπὶ δουλείᾳ ἐκ τῶν ἀλίσκομένων ἀνέν τῆς τοῦ προτέρου ἐσποτου γνῶμης.” “It is permitted to no Athenian, nor to any one dwelling in Athens, to purchase an emancipated slave, again into slavery, from the kidnappers, without the consent of his former master.” Plutarch, de Orat. Vit. p. 267.

<sup>3</sup> Plato, de Republ. ii. p. 371.

<sup>4</sup> Demosth. in Aristocr. p. 637 — “μητέ τεκνοποιῶνται οἱ οἰκετοὶ ἀνέν τῆς ἡμετέρας γνῶμης.” Xen. Econ. 9. 5. “Slaves are not begotten without our knowledge.” . . . “Δουλῇ μὲν ἔαν συμμιξῇ, δούλῳ ἢ ἐλευθέρῳ, ἢ ἀπὲλευθέρῳ, παντως τοῦ ἐσποτου ἔστω τῆς δούλης τὸ γέννημα. Ἐὰν δὲ τις ἐλευθερά, δούλῳ συγγιγνηταὶ τὸν ἐσποτον ἔστω τὸ γιγνόμενον τοῦ δούλου. Ἐὰν δ' ἐξ αὐτοῦ δούλης ἢ ἐκ δούλου εαυτῆς καὶ περιφανὲς τοῦτ' ᾗ, τὸ μὲν τῆς γυναικὸς αἱ γυναῖκες εἰς ἄλλην χῶραν ἐκπεμπόντων σὺν τῇ πατρὶ, τὸ δὲ τὸν ἀνδρὸς οἱ νομοβόλακες σὺν τῇ γέννησάσῃ.” Plato, Lex. xi. p. 950. “Whether a female slave may have connection with a slave, or a freeman, or an emancipated slave, let the offspring belong to the master, following the condition of the mother (or female slave) in every instance. And, on the other hand, if a free woman should cohabit with a slave, let the offspring also belong to the master, following the condition of the father (or male slave).” \* Whether the offspring descend from a freeman and a female slave, or from a male slave and a free woman, it is manifestly the same. Since, on the one hand, the female descendants succeed with the father to a different condition from the mother; so, on the other hand, the male descendants (or guardians of the state) succeed with the mother to a different condition from the father.”

\* Ἐὰν δ' ἐκ αὐτοῦ, &c. This clause of the passage may be rendered thus: But if a free woman is with child from her own slave, as a freeman has a child by his own female slave, and the same is discovered, let the guardians of the law banish the offspring of the freeman, with its mother: and in the other instance, let the mother send away her child, together with its father, to another region.

The number of slaves was considerable, not only at Athens, but throughout Greece. According to Ctesicles, at a census of the population of Attica, taken under Demetrius Phalereus, the number of free burghers was found to be twenty-one thousand, of residents; aliens, ten thousand; and of slaves, four hundred thousand.<sup>1</sup>

According to Timaeus, Corinth possessed four hundred and sixty thousand slaves; and Egina, as we learn from Aristotle, four hundred and seventy thousand. But the number at Chios appears to have been the greatest.<sup>2</sup> In what manner this population of four hundred and thirty thousand souls in Attica was distributed, cannot now be accurately known.

Athens itself is said to have contained ten thousand houses. There were besides, lodging-houses inhabited by several families; and workshops and manufactories contained many hundreds of slaves. If one hundred and eighty thousand are reckoned for the city and its harbors, and twenty thousand for the mines, there then remain two hundred and sixty thousand for the other six hundred and eight square miles in the rest of Attica; which gives less than four hundred and twenty-seven to the mile; which, with the number of small market-places, villages, and farms, that were inhabited in Attica, is not excessive.<sup>3</sup>

<sup>1</sup> Ctesicles, apud Athen. vi. p. 272.

<sup>2</sup> Thucyd. viii. 40.

<sup>3</sup> Böckh. Public. Econ. Athens, pp. 30-39. The following were some of the legal enactments respecting slavery which were in force, at various times, at Athens:—Let no person who is a slave by birth be made free of the city. They only shall be recognized as citizens, both of whose parents were so. He shall be looked upon as an illegitimate, whose mother is not free. No slave, or woman, other than free-born, shall study or practice physic. No slave shall caress a free-born youth; he who does so shall receive fifty stripes. He that beats another man's slave may have an action of battery brought against him. No one may sell a captive freedman into slavery, without the consent of his former master. Slaves may buy themselves out of bondage. All emancipated slaves shall pay certain services to the masters who gave them liberty, choosing them only for their patrons; and they shall not be wanting in the performance of those duties to which they are under obligation by law. Patrons may by action reduce them again to slavery for legal cause, such as remissness of duty. He that redeems a prisoner of war may claim him as his own property, unless the prisoner himself be able to pay his ransom. See Potter's Greek Antiqs., vol. i. p. 144; also, Smith's Greek and Roman Antiqs. (Slaves). The law governing the condition of the slave derived from birth, was very different, in Greece, from that of Rome, and all later nations: "*partus sequitur ventrum*," is the maxim of the Roman law, which now universally prevails, upon this subject. If the mother is free, the child is free, and *vice versâ*. But the whole policy of the Greek statute was in favor of

Although the number of private slaves possessed by individual burghers was sometimes very considerable, yet the Greeks seem to have fallen far behind the Romans in this respect. The father of Demosthenes possessed fifty slaves.<sup>1</sup> In other instances the number was far greater. Necias let out one thousand to the Thracian mines, and Hipponicas six hundred.<sup>2</sup> Aristotle's friend Mnason, also, had a thousand.<sup>3</sup> In early times, few were retained in the house, most of them being employed at various handicrafts. At a later period, domestic slaves became much more numerous.<sup>4</sup> There is no regular account of the number of domestics in large establishments, though free hints may be gathered. Xenophanes complained to Hiero ("μολὶς οἴκετας δυο τρεφεῖν") that he was scarcely able to keep two household servants, which, certainly, is a mark of great poverty for a literary man like him.<sup>5</sup> Again, the family of Æschines, consisting of himself, his wife, mother and three children, was waited on by only seven attendants, and this he brought forward as a sign of straitened circumstances.<sup>6</sup> To go out without a single attendant was considered a mark of great indigence.<sup>7</sup> When Phocion's wife allowed herself to be attended by only one female slave, it was considered so unusual that it even came to be mentioned in the theatre.<sup>8</sup> Men often had three or more slaves to attend them when from home.<sup>9</sup>

In later times, the escort was much more numerous.<sup>10</sup> But slavery, and the servile condition of either parent tainted that of the child. See translation of passage from Plato, de Leg. xi. p. 930, *supra*. Again, the right to reduce the emancipated slave again to bondage by a civil action, is peculiar to the Greek system. The maxim of the Roman law, and the law generally, upon this subject, is, *semel liber, semper sic*, once free, always so; though there are some statutory exceptions, applying to vagrants and like offenders.

<sup>1</sup> Some say fifty-three, besides females in his house. Demosth. in Aphob., 1, p. 823.

<sup>2</sup> Xenoph. De Vectigal, 4, 14. Plutarch, Nic. 4.

<sup>3</sup> Timæ apud Athens, vi. 264. Saidus, on the word ἀπεψηφίσαστο, mentioned that the slaves employed in the silver-mines alone, and in country labor, amounted to 150,000.

<sup>4</sup> Aristot., De Rep., ii. 3. Dio Chrysost. orat., xiii. p. 434.

<sup>5</sup> Plutarch, Apophth. Reg., i. p. 696.

<sup>6</sup> Esch. Epist. 12, p. 698.

<sup>7</sup> Aristoph. Eccl. 593. Also Lysias, in Dioget., p. 903.

<sup>8</sup> Plutarch, Phoe, 19.

<sup>9</sup> . . . "καὶ τρεῖς ἀκολουθοῦς ἢ τετρας αὐτος ἔχων διὰ τῆς ἀγορᾶς σοβέει." Demosth. in Mid., p. 565. "And he having three or four attendants, flaunts through the public square or forum."

<sup>10</sup> "Θεραπεία δὲ πολλή καὶ ἀλλή περὶ αὐτὴν παρασκευὴ λαμπρά, καὶ εὐνοῦχων τὶ πλῆθος, καὶ ἀβραὶ πανυ πολλαί." (She had) "a numerous retinue of attendants, a



of the numerous slaves owned by single individuals, the most of them were employed as artisans, either for their master, or on their own account, paying him wages. In this respect the Greeks differed widely from the Romans; while the former looked upon their slaves as a capital, yielding interest, and a lucrative source of investment and trade, the latter more nobly looked upon them only as a means to subserve the ease and comfort, and to administer to the luxury and pride of their masters.<sup>1</sup> It is true, the Roman slave also worked in the *familia urbana* and the *familia rustica*, or on the plantation, as a mechanic or otherwise, but only to supply the immediate wants of his master; while the Greek slave was an operative, yielding a revenue, and his master trafficked and speculated upon the wares and proceeds of his labors.<sup>2</sup>

If the master cultivated his lands himself, as Ichoneas did, he employed numerous slaves under an overseer, *ἐπίτροπος*, who was himself a slave, and on whom the entire management frequently devolved; the master devoting himself to public duties or other employments.<sup>3</sup>

The chief steward of the house was called (*ταμίης*). He superintended all the domestic arrangements and kept the household stores under lock and seal, giving out daily what was

certain number of eunuchs, quite a large number of ladies' maids, and otherwise splendid equipage around her." Lucian, *Imag.* 2, speaking of a distinguished lady of Smyrna, uses this language.

<sup>1</sup> Athen. vi. p. 272. "Ἀλλὰ Ῥωμαίων ἕκαστος . . . πλείστους ὕσους κεκτημένος δίκτας, καὶ γὰρ μυρίους καὶ δίσμυρίους καὶ ἐπὶ πλείους δὲ παμπολλοὶ κεκτησιν, οὐκ ἐπὶ προσδόξῳ δὲ ὡς περ ὁ τῶν Ἑλλήνων ζαπλουντος Νικίας, ἀλλὰ οἱ πλείους τῶν Ῥωμαίων συμπρόχοντες ἔχουσιν τοὺς πλείστους." "But each one of the Roman citizens possessed as many slaves as possible; very many owned ten, and even twenty thousand, and some more; but not as a source of revenue, like a certain Nicias, a very wealthy citizen of Greece; though the Romans had a great number, yet they were mostly personal attendants." Nicias, the rich Greek, hired out a thousand slaves to Sosias, the Thracian, for an obolus ( $2\frac{1}{2}$  cents) a day, yielding him a revenue of \$33 $\frac{1}{2}$  a day, for which he could have purchased two slaves. Xenoph., *De Vect.* 4, 14. Here is a sarcastic allusion of Athenens to the penurious custom of the Greeks, of working their slaves only for pecuniary profit, while the proud and haughty Roman was born above it, bred above it, and lived above it: to him his slaves, though he owned twenty thousand or more, were only to administer to his ease and comfort.

<sup>2</sup> The Greek slaves frequently hired their time, but the master took good care to reserve a large portion of the profits to himself. Aristotle, *De Repub.*, 3, 4, p. 1277. Æschines mentions the daily sum that each had to pay. Shoemakers made nine and ten oboli a day—27 to 33 $\frac{1}{2}$  cents; out of which each had to pay six cents to his master. Timarch, p. 118.

<sup>3</sup> Plato, *Leg.* vii. p. 806. Xenoph. *Æcon.* 12, 2.

required.<sup>1</sup> He received from his master for this purpose, a signet ring.<sup>2</sup> The *τίμιας* was distinct from the *επίτροπος*, whose duties were confined to outdoor arrangements. Of the other domestic slaves each had his peculiar duties.<sup>3</sup>

The number of females was less than that of male slaves. Some of them were employed in manufacturing articles for sale.<sup>4</sup>

The number, however, engaged in the articles of merchandize must have been small, as most of the feminine labors, as weaving, embroidering, and the like, were performed by men. In wealthy families, a considerable number must have been employed in personal services; and most of the ready-made articles which may now be obtained, then took up the time and employment of domestic slaves. Besides, several must have been employed at the mill and in the kitchen, as well as washers, ironers, cooks, and the like; besides the spinners, nurses, chambermaids, and ladies' maids (*χομμωπρίαι*).<sup>5</sup> Of these last, one often held a more confidential position near her mistress, and was called (*αβρα*).

Female slaves born in the house were sometimes called (*συχίδεις*).

The general term for female slaves is (*δουλαρία*).<sup>6</sup>

In entering into an analysis of the laws and institution of slavery in ancient Greece, the student at once finds himself upon the confines of a boundless chasm that exists between the heroes, philosophers, and wealthy citizens of those States, and the lower and laboring classes. Their history is, in a degree, a hidden mystery, impervious to the light that has come down to us. No historian has lifted the veil and shown us the true condition of the myriads of slaves and indigent laborers devoted to the various trades and servile occupations among that remarkable people. Occasionally he finds the fragment of a law, a deduction of the philosopher, the moralist, and statesman, in relation to them; and, here and there, a scene of the heroic,

<sup>1</sup> Xenoph. Econ. 9-11.

<sup>2</sup> Aristoph. Equites, 947.

<sup>3</sup> Plutarch, Apoph. Reg. i. p. 723.

<sup>4</sup> . . . "γυνή ἀμοργίνα ἐπιστάμενη ἐργάζεσθαι καὶ ἔργα λεπτά εἰς τὴν ἀγορὰν ἐκφέρειν." Æschines in Timarch p. 118. "The women were accustomed to manufacture fine goods, and to carry fancy articles to the markets." Another evidence that the slaves of Greece were of a high order of intellectual character, equal in that respect to their masters and mistresses.

<sup>5</sup> Beck's Charac. p. 364.

<sup>6</sup> Lucian, Lexiph. 25. This would, however, seem to depend upon the peculiar style of each author. In Homer, Sophocles, as well as Thucydides, Xenophon, Herodotus, Plato, Aristotle, and others, together with the Scriptures, the word *δουλή* is used.

comedian and tragic poet scattered through the ponderous volumes of Greek literature.

To collect and digest sufficient of these to present, briefly, some of the leading features and fundamental principles of the institution, and to show the meaning and use of certain terms, is the most that we have attempted in the foregoing pages.

The origin of this institution, in the ancient Grecian States, dates back to the celebrated laws and regulations of Minos; the fabulous annual tribute of seven lads and seven virgins, levied by him upon the vanquished Athenians, was but the figurative idea of the law, making the conquered the property of the victors. It was undoubtedly imported from Egypt, through Phœnicia into the Island of Crete, and was nearly cotemporary with the law of the patriarchs of Israel upon that subject, which was, doubtless, derived from the same source. And in Greece, as in the Hebrew nation, in the progress of civilization, and as governments became better organized, more powerful, and gave safer guarantees to life, liberty, and property, the force and necessity of this law was gradually, and, in a measure, done away with; till, at length, the legislators of Greece, like Moses, boldly advocated the doctrine that it ought to apply only to barbarous nations, and as Hebrew could not enslave Hebrew, so, on a similar principle, Greek could not enslave Greek. But, in both nations alike, the application of the law was limited to "the heathen round about them."<sup>1</sup>

There are many other instances of similarity in the laws of these two nations upon this subject. By neither could the slave be put to death without the sanction of the law.<sup>2</sup>

<sup>1</sup> Levit. 25 : 44: "Μηδέ Ελληνα ἄρα δούλον ἐκτησθαί μήτε αὐτοῦς, τοῖς τε ἁλλοῖς Ἑλλησίν οὕτω συμβουλευεῖν." Plato de Republ. p. 469. "Therefore, as they cannot own a Greek as a slave themselves, shall they not recommend the same to other Greeks?" The meaning of which is, let every Greek set the example, not to enslave his own countrymen. This was a favorite idea of Plato. In his sixth book of Laws, he says: "We ought, therefore, for the future, never to allow any person's slaves to be of one another's countrymen." So of Aristotle, he says: "Therefore, it is proposed to limit this law to barbarians, conquered by Greeks." (Vid. supra, p. 60.)

<sup>2</sup> Exod. 21 : 20: "If a man smite his servant with a rod, &c." . . . "καὶ οἱ οὐδὲ οἱ τοὺς δεσπότης ἀποκτείναντες, εἰν ἐπ' αὐτοφωρῶν ληφθῶσιν οὐδ' οὐτοὶ ἐνθησκοσίν ὑπ' αὐτῶν τῶν προσηκόντων, ἀλλὰ παραιδέσασιν αὐτοὺς τῇ ἀρχῇ κατὰ νόμους ὑμετέρους πατρίους." "Indeed, the masters cannot kill their slaves, if caught in the very act of theft (or offence), nor could they be put to death by persons selected for the purpose, but they must give them up to the civil authority, according to the laws of the country." Antipho. de Cœde Herod. p. 727. Hence Euripides says:—

In either nation, the poor debtor was liable to be sold into slavery; but in neither could he be ruled over with rigor.<sup>1</sup> In both nations heathen slaves were lawful articles of commerce and heritable property. In neither could they possess the rights of citizens, nor could they be heard in the courts of justice in their own defence, or to give testimony for others.<sup>2</sup>

In both nations there were large numbers, not only of foreigners of the same type, and equally exalted and capable in their physical and intellectual organization with themselves, but of their own countrymen in slavery.<sup>3</sup>

In neither nation was it maintained on the ground of the general intellectual inferiority of the race, and a general incapacity to attain to any better condition when left to themselves; but in the one, as in the other, the right to foreign slaves was predicated upon the right of the victor over the vanquished, and to others upon their extreme poverty and indigence, which forced them to lead such vicious and degraded lives as to reduce them to a condition but little above the brute, unfit for all intellectual culture and refinement. Slaves to their own appetites and passions, they were better off under the care and protection of a kind master.<sup>4</sup>

Hence, some, as we have seen, voluntarily went into slavery.

It is evident, from various facts, that Greece, like some of the nations of the present day, in her large cities particularly,

“νομος δ' ἐν νῦν τοῖς τ' ἐλευθερον ἴστος  
καὶ τοῖσι δουλοῖς αἷμος κείται περί.”

“The freeman's laws are just and good;  
The slave's are written in letters of blood.”

<sup>1</sup> Levit. 25 : 39. See action *γραφῆς ὑβρεως* or for injury done a slave. Æschin. in Tim. p. 41; also Demosth. in Mid. p. 529.

<sup>2</sup> Levit. 25 : 44. Terence's Phorm., scene 4, laid in Athens. “*Servum hominem causam ovare leges non sinunt. Neque testimoni diotio est.*” The testimony of slaves went for nothing unless exacted by the rack. Plato, Leg. xi. p. 937. But Demosthenes says, in Onet. 1, p. 874: “*ἐδουλων οὐ βασιναθέντων οὐδέ τις ποπορ*” *εξηλεγχθησαν, ως οὐκ αληθῆ τα ἐκ τῆς βασανον εἶπον.*” “None of the tortured slaves should ever be permitted to prove, or substantiate a fact, as the saying is, truth is not from the rack.” By this it would seem that their testimony needed corroborating.

<sup>3</sup> Abraham had 1500; and every wealthy Hebrew had great numbers of men-servants and maid-servants. Gen. 14 : 12-16. (For numbers possessed by the Greeks, see notes above, and preceding remarks generally.)

<sup>4</sup> The poor debtor and his children were liable to be sold as slaves for debt. 2d Kings, 4 : 1. Isa. 50 : 1. Matt. 25. Isocrates speaks (Plateus, 19, p. 414). (*μικρῶν ἕνεκα συμβολαίων δυνεύειν*) of those bargaining to become slaves on account of their insolvency, or straitened circumstances.

At Athens, the captive, not able to pay his ransom, was the slave of him who paid it. Demosth. Ado. Nicaoter, p. 1250.

was thronged by hordes of foreign population in the lowest state of poverty and wretchedness, who were ever at the service of the wealthy citizens, in all kinds of employments, to obtain the means of subsistence.

This was also true to a great extent among the Jews. They had many hired servants as well as slaves;<sup>1</sup> and that this institution, in both these nations, was derived from the same source admits of no doubt.

<sup>1</sup> Dent. 15 : 3, 4, 11. Exod. 22 : 11, "Because they sold the righteous for silver, and the poor for a pair of shoes." Amos 2 : 16; also 8 : 6. "For the poor ye have always with you," John 12 : 8. This class was also numerous in Greece; they were known under various names, as *ξένοι*, *μετοικοί*, or foreigners; when hired they were called *μισθῶται*. Plato de Rep. ii. p. 371. They were employed more or less by all—Id. Polit. p. 290 (vide Note supra, p. 63)—and were similar to slaves. Hence the law at Athens, to forbid striking a slave, for fear of hitting a free man by mistake. In a fragment of Philemon we find the following lines:

"Ὡς κρείττον ἔστι δέσποτου χρηστοῦ τυχεῖν,  
ἢ ζῆν ταπεινῶς καὶ κακῶς, ἐλευθερον."

"A freeman is better off to have a kind master than to live a low debased life." Besides these, there was another class known as the *ἀπελευθεροί*, or freed-men, though they still remained in the service of their masters, as we have seen, no one could purchase them without the consent of their former masters.

It has been said by some, that these freedmen were the real *δουλοι*, because they still remained in bond service to their masters, hence ("Διαφέρειν δέ φησι Χρύσιππος δούλον οἰκετον . . . ὅλα το τοὺς ἀπελευθεροὺς μὲν δούλους ἔτι εἶναι, οἰκετας δὲ τοὺς μὴ τῆς κτησεως ἀφειμένους.") Chrysippus says there is a distinction between the *δουλος* and the *οἰκετης*, because the freedmen are still *δουλοι*, whereas the *οἰκετης* belong to the class that are never discharged from ownership. Athen. vi. p. 267.

But according to Clitarchus, in his treatise on dialects, all the following classes are called *δουδοί* promiscuously—the *αἰοί*, or servants connected with the temples; the *θεραποντες*, or the servants of humble service; the *ακολουθοί*, followers or footmen; the *διακονοί*, or body-servant, and many others.

Ion of Chios, in his Laertes, uses the word *δουλος* in the same sense as *οἰκετης*. Athen. vi. p. 269.

Plato, Aristotle, Xenophon, and all the most approved writers in the Greek literature, use these words indiscriminately in the same sense. If there could be any distinction between them, it must be derived, not from the character of the slavery, but from the different avocations which they followed; the *δουλοι* would seem to be a generic term comprehending all classes of slaves, and the *οἰκετης* confined to the household, or family slaves, might denote but a single species or class coming under it.

In like manner there were the Helots of Greece, who, because they were subject to a peculiar kind of servitude and belonged to the State, were never designated by any other term, though helot and *δουλοι* are synonymous terms in Sparta. See Essay on Slavery in New Testament, post, p. 127, et seq.

But all free men, and even freed-men, were designated by different terms, hence . . . "οἱδὲ πωλοῦντες τὴν τῆς ισχυρὸς χρεῖαν τὴν τίμην ταυτὴν μίσθος καλοῦντες κεκληταὶ ὡς ἐγωμῖαι, μίσθωτοί." Plato de Republ. ii. p. 371. "Laboring for the means of support, demanding wages as a reward, they are called hirelings, or μίσθωτοί, as they labor for wages."

. . . . "οἷς γε ὀρῶμεν μισθωτοὺς καὶ θητὰς πασὶν υπηρετοῦντας." Plato Polit. p. 290. "We speak of the hired servants and the hireling domestics employed as waiters by all. The same word is used by the Evangelist, in Acts 15 : 17—"Ποσοὶ μίσθιοι τοῦ πατρὸς μου." "How many hired servants hath my father," &c.

This word is from the same theme, μίσθος, and has the same meaning as the one used by Plato above; it is only varied in its termination. And here, it may be observed, that the terms δούλος and δίκαιος, as we have shown by the specific definition of Plato, Aristotle, and others, of the most approved Greek classics, are never used by Greek scholars, sacred or profane, literally, in any other sense than that of a slave, a piece of property, a living machine, a person subject by law or by nature to the ownership and power of another. They are always used in contrast with ἐλεύθερος, a freeman as we have seen: "Δούλος ἐκλήθης: μὴ σοι μελέτω ἀλλ' εἰ καὶ δύνασαι ἐλεύθερος γενεσθαί," &c. 1 Corinth. 7 : 21. "Art thou called, being a servant (slave), care not for it; but if thou mayest be made free," &c.

Also the same terms are used in the succeeding verse and in the same sense. There is, however, a slight error in the translation of verse 22. The language is "Ὁ γὰρ ἐν Κυρίῳ κληεῖς δούλος, ἀπελευθερὸς Κυρίου ἐστί," which should read, "For he that is called in the Lord, being a servant (slave), is the Lord's freed-man;" not free man, as in the English text, and it refers to "the liberty in which Christ has made him free."

I submit it to Greek scholars to say whether ἀπελευθερὸς ever means anything, in Greek literature, but a freed-man, one who has been set free from bondage. Would it not be preposterous in any one to say that δούλος, in this instance, did not mean what we understand by slave? What sense would there be in the context, "but if thou mayest be made free," &c., if he was already so, or if he was a hired servant, as many contend? We will quote another instance from Aristotle, where these terms are used in precisely the same sense as by Saint Paul, . . . οἰκία δὲ τέλειος ἐκ δούλων καὶ ἐλευθερῶν." Aristot. De Rep. i. 3. "A family is composed of freemen and slaves."

We might multiply like quotations to show that these words, by all Greek writers, are always used as antitheses to one another, just as we use freeman and slave; but we refer the reader to the numerous instances that may be found in our quotations above, upon this subject. In conclusion we remark that free servants are universally designated by other terms as ἐργατὴς, μισθωτός, or μίσθος. See Acts 15 : 17, above quoted, and Acts 10 : 7 : ἄξιός γάρ ἐστι ἐργατῆς τοῦ μισθοῦ αὐτοῦ ἐστί. "The laborer is worthy of his hire." Again, James 5 : 4, "Ἴδον δὲ μισθὸς τῶν ἐργατῶν." "Behold the hire of the laborers," &c. Again, John 10 : 12, "Ὁ μίσθωτος." "He that is a hireling," &c. Id. vrs. 13, "Ὁ δὲ μισθωτός φεύγει, ὅτι μισθωτός ἐστί." "The hireling fleeth because he is a hireling." These same words are here used in the exact sense in which they are used by Plato, Aristotle, and classical writers; then why except δούλος and δίκαιος? See Essay on Slavery in New Testament, post, p. 127, et seq.

## ESSAY IV.

## ROMAN SLAVERY.

AFTER the learned and lengthy dissertations upon its justice and moral character, by the great masters of the schools of antiquity, the fathers of law, logic, and philosophy, Plato and Aristotle, and the conclusions to which they arrived, establishing the institution upon the basis of law, justice, and truth, we should not expect to find any schools of opposite tenets, in any more modern nations, as long as their philosophy ruled the intellectual world. And we find the truth verified in the subsequent history of nations. It is at no remote period from the present, that their views upon this subject have met with opposition from any considerable weight or collective mass of public opinion, as we shall endeavor to show in our subsequent remarks.

Neither Cicero nor Seneca, just and humane as they both were, have ever, either in their moral or political codes, called the moral rectitude and justice of these opinions of their great predecessors in question.<sup>1</sup> At Rome, in all ages of that nation, there was much less opposition of sentiment to the doctrines of Plato and Aristotle upon this subject than among the Greek sophists; for here we find a few traces of repugnant notions.<sup>2</sup> The arrogant spirit of domination among the ancient Romans gave to this institution certain characteristics among them peculiar to that nation.<sup>3</sup>

<sup>1</sup> Their writings abound with strictures upon the extravagancies and cruelties of certain masters. But these do not serve to condemn the relation in itself, any more than the ill-treatment of husbands to their wives, or parents to their children, condemns those relations. A Roman citizen had the same power over his child that he had over his slave, and could put either to death with impunity.

<sup>2</sup> "All come free from the hand of their Creator; nature has made no man a slave," &c. Schol. on Aristot. Rhet. Gill. Greece, vol. 2d, p. 337. *Κἂν δούλος ἦ τις σάρκα τὴν αὐτὴν ἔχει φύσει γὰρ οὐδεὶς δούλος ἐγενήθη ποτε ἢ δ' αὖ τυχὴ το σῶμα κατ'ἰδούλωσάτο.* Frag. of Philemon and Menander, p. 410. "Though any one may be a slave, yet he has the same flesh and blood with ourselves, for by nature no one is born a slave, though his body may, by misfortune, be enslaved." *Καν δούλος ἦ τις οὐδὲν ἦττον δεσποτα, ἀνθρώπος οὗτος ἐστὶν ἀν ἀνθρώπου ἢ.* Id. p. 364. "Though any one may be a slave, yet he is a man no less than his master, who is but a man."

<sup>3</sup> The power of life and death which the Romans held over their slaves and children was known to no other civilized nation. "Portentosus

They procured most of their slaves, like the Greeks, from Asiatic nations. Historians give us the same nations, the public marts, and the same great thoroughfares as the source of the slave traffic to both Greece and Rome, and undoubtedly the Greek and Roman slave dealers both met in the same markets as rival bidders for the same lots of slaves—as the British, Spanish, French, American, and other traders have met upon the coast of Africa in competition with one another.

There is one view of Roman life, manners, and customs, that the history and laws of this institution serve, in a degree, to illustrate, though no modern can form any distinct and satisfactory idea of the reality. We can scarcely conceive it possible that the almost incredible numbers of servants and attendants kept in the houses of the more wealthy Roman lords, could be governed and employed, or how there could be so many divisions and subdivisions of labor, and not clog, confuse, and impede the progress of one another. But we shall endeavor to illustrate this by a succinct analysis of the Roman family while treating upon this subject. As to the mode of acquiring slaves there is no material difference between Hebrew, Greek, or Roman slavery. At Rome, as elsewhere, slaves were the *servi aut nascuntur aut fiunt*. The law of captivity was in full force (captivi, jure belli captó);<sup>1</sup> and they could be bought *sub corona* as prisoners of war. They were generally sold in market overt by the dealers.<sup>2</sup>

fœtus extinguimus liberos quoque, si debiles monstrosique editi sunt, mergimus." Sen. de Ira. lib. 1, chap. 15. "Ex nepte Julia, post damnationem, editum infantum agnosci alique vetuit." Suet. vit. octav. lxxv. Juvenal alludes to this practice in Sat. vi. 595:—

"Tantum artes hujus, tantum medicamina possunt,  
Quæ steriles facit, atque homines in ventre necados conducit."

See also Sen. Consol. ad Helviam 16, who speaks of the custom as not uncommon. See also Inst. Just. lib. 1, t. 8, l. 1.

<sup>1</sup> Inst. Just., lib. 1, t. 3d, sects. 3 and 4. Cato in Gallias, vii. 4, lib. v. 22.

<sup>2</sup> These slave-dealers were termed *mango*, or *venalitiis*. Plaut., tom. ii. 2. 51. They exposed them openly in the slave markets where they were sold by the *præco*. They were first stripped and placed on a scaffold *catasta*, their feet being whitened with chalk. (Lib. ii. 2. 59, quem sæpe cœgit Barbara gypsastos femæ catasta pedes.) They were sometimes put upon an elevation of stone (hence the *lapede emptus*. Cicero in Pis. 15. Plaut. Bach. iv. 7. 17), so that every one could see and touch them, *nudare*, *contrectare*. Martin, vi. 66, describes a scene when the *præco*, or auctioneer, as an incentive to purchasers to bid, "*bis, terque, qua, terque, basiavit*," the girl who was offered for sale. Those offered for sale wore a tablet hanging from their collars called the *titulus*, upon which their



Although the Romans never looked upon their slaves as a source of revenue, but only as waiters to administer to their immediate ease and comfort, yet the price of slaves was much higher at Rome than in Greece; the price of some is almost incredible.<sup>1</sup>

The prices varied much, however, according to their quality and nations. Syrians, Lydians, Carians, Mysleians, Cappadocians, also Beotians, Celts, Gauls, and Africans, were offered in market with their *titulus*, indicating their nation, qualities, defects, etc., hanging from the collars.<sup>2</sup>

The slaves of Celtic or Germanic origin were usually devoted to agriculture. Negroes were, like the court dwarfs, deformed slaves and idiots, kept only as articles of fancy, luxury, display, &c.; they were, under the emperors, used as out-riders, particularly the Numidians.<sup>3</sup> The principle that no Roman could be the slave of another Roman, was more strictly observed among them than the like rule in either Hebrew or Greek slavery. An insolvent debtor might be made over to his creditors (*addicere*); but he could not become his slave at Rome, but must, as was said, be sold abroad (*trans Tiberem*). This was also the case where a Roman citizen was sold by the State.<sup>4</sup>

The rich Roman citizens were extensive owners of slaves as domestics, or artisans in the city, and as laborers or field-hands on their vast estates in the provinces.<sup>5</sup>

name, nation, capabilities, faults, and defects were inscribed. Hence Cicero *De Off.* iii. 17: "Sed etiam in mancipiorum venditione fraus venditoris omnis excluditur, qui enim scire debuit de sanitate, de fuga, de furtis, præstat ædieto ædiliū." And Hor., *Ep.* ii. 2, 14: "Quorum titulus per barbara colla pependit cretati medio quum saliere foro." Which shows that they were trotted out to show their movement as horses are with us.

<sup>1</sup> The price of slaves was sometimes immense. In Hor. *Ep.* ii. 25, a favorite is put up at six hundred and forty pounds. While Martial, i. 59, et xi. 10, mentions, "Pueros centenis millibus emptos." (Eight hundred pounds, or about four thousand dollars.) Comp. Sen. *Ep.* 27; Gall. xv. 19.

<sup>2</sup> Ulp. *Dig.*, xxi. 31.

<sup>3</sup> Galli appositissimi ad jumenta. Fruitur Caius Ethiope. Varro *R. R.* 1, 1. Mart. vii. 87.

<sup>4</sup> Gell. xx. 1, 45. "Trans Tiberem venum ibant." See, also, Val. Max. vi. 3, 4. Cic. *de Or.*, 1, 40. Plaut. *Trin.*, ii. 4, 144.

<sup>5</sup> The simplicity of the more ancient Roman customs was unacquainted with such a concourse of slaves; even Consuls took the field accompanied by few. Sen. *de Tranq.* 8. "In servis jam interdicit illud genus, quod ducibatur a domino, unde Marcipores Publiporesque." Quinet. *Inst.*, i. 4, 7. Plin., xxiii. 1, 6, when talking of ceiling up the cells, says: "Hoc profecere mancipionum legiones et in domo turba externa ac servorum

Some rich planters are said to have possessed as many as ten, and even twenty thousand. Seneca says that Demetrius, the *libertus* or freedman of Pompey, was richer than his master.<sup>1</sup>

quoque causa nomenclator adhibendos. Aliter apud antiquos singuli Marciopores Luciporesve dominorum gentiles omnem victum in promiscuo habebant." The old-fashioned manner of attendance at meals is drawn in lively colors by Juvenal, xi. 145:

"Plebeios calices et paucis assibus emptos  
Porrigit incultus puer atque a frigore tutus;  
Non Phryx, aut Licius non a mangone petitus  
Quixquam erit in magno cum poscis Latine,  
Idem habitus cunctis, tonsi rectique capilli,  
Atque hodie tantum propter convivia pexi."

"The clownish waiter, clad only to protect him from the rigor of the climate, will hand you the plebeian cups, bought for a few pence. He is no Phrygian or Lycian, or one purchased from the slave-dealer at a great price. When you ask for anything, ask in Latin. They have all the same style of dress; their hair is close-cropped and straight, and only combed to-day on account of company." He goes on further to say — "One is a son of a hardy shepherd; another of a neat herdsman; he sighs and pines for his mother, whom he has not seen for a long time, and for his native hovel and playmates, the kids—a lad of ingenuous modesty, such as those ought to be who are clothed in brilliant purple. He shall hand you wine, made on the very hills from which he himself came, and under whose summits he has often played." It may be remarked that the Romans enslaved nations and people in no manner inferior to themselves, except that they were enabled by their superior numbers to overpower them; nations which have since attained to the highest degrees of civilization and refinement. They were taken from nearly every nation of Europe and Western Asia or Asia Minor; over these they held the power of life and death, and, as we shall see, wantonly sacrificed them to the gratification of their idle amusements, in the most brutal manner; of which the conflicts with wild animals, and the horrid butcheries of the amphitheatres, are sufficient proofs.

<sup>1</sup> Cicero says, in his description of the loose household arrangements of Piso, "*idem coquus, idem atriensis.*" It was held disreputable not to have a slave for every sort of work; and Horace, Sat. i. 3, 12, appears to consider ten slaves the least number for one of restricted means. In Sat. i. 6, he speaks of the ridicule thrown upon Tullius the prætor, because he had no more than five slaves to accompany him from the Tribune villa to Rome. But Cicero considers this an extraordinary expense in slaves. De Leg. Arg. ii. 28. In later times, the numbers mentioned are incredible. C. Cæcilius Claudius Isidorus, although he had lost great numbers in the civil wars, yet left by his will four thousand one hundred and sixteen slaves. Plin. xxxiii. 10. Tac. Ann. iii. 53; xiv. 43. But see account of Petron (37), who says "*familia vero, babæ! non me Hercules puto deciman partem esse, qua horum suum novit.*" Trimulchio (47) asks a slave: "*ex quota decuria es?*" He answers, "*e quadragissima;*" (53) an actuary reads aloud what has happened during the last twelve days on the estate of Trimulchio; and, among other things, vii. Kal Sextilis, "*in predio cumano, quod est Trimulchionis, nati sunt pueri xxx. puellæ xl.*"

The slaves of Crassus formed a large part of his fortune ; his architects and masons alone exceeded five hundred. Seaurus possessed four thousand domestics, and as many rural slaves. In the reign of Augustus, a freed-man who had sustained great losses during the civil wars, left four thousand one hundred and sixteen slaves. On one occasion the family of Pedonius Secundus, prefect of Rome under Nero, was found to consist of four hundred slaves.<sup>1</sup>

A law, passed by Augustus, against manumitting too many slaves by testament, forbidding any one to bequeath liberty to more than one-fifth of his slaves, contains the following words : "Plures autem quam centum ex majore numero servorum manumitti non licet."<sup>2</sup> We may thus infer that five hundred was not an unusual number of slaves to be held by one owner. It was, in the latter ages of the Republic, fashionable to go abroad attended by large numbers of slaves.<sup>3</sup> Augustus prohibited exiles from carrying with them more than twenty slaves.<sup>4</sup>

We may also form some idea of the vast numbers owned by private individuals, from the fact that Augustus forbid magistrates to give shows of gladiators above twice in one year, or more than sixty pairs at a time.

Julius Cæsar exhibited at once three hundred and twenty pairs. Trajan exhibited them for one hundred and twenty-three days, in the course of which ten thousand gladiators fought.

The State and corporate bodies possessed large numbers of slaves ; six hundred belonged to the public fire department at

The birth of thirty male and forty female children upon one estate in one day is undoubtedly an exaggeration, but it gives us some idea of the enormous numbers that were sometimes possessed by a single owner. This immense number rendered it necessary that they should be classed according to the divisions and subdivisions of labor ; and each class ranked higher or lower, according to the functions assigned them to perform, of which we shall speak more particularly in our analysis of the Roman family. The origin of the term *Servi*, according to Justinian. *Inst. lib. 1, t. 2, c. 3*, is as follows : " *Servi autem ex eo appellati sunt quod imperatores captivas vendere, ac per hoc servare nec occidere solent ; qui etiam mancipia dieti sunt ; eo quod ad hostibus manu capiuntur.*" Slaves are denominated *Servi* from the practice of our generals to sell their captives, and thus preserve (*servare*) and not slay them. Slaves are also called *mancipia*, in that they are taken from the enemy by hand (*manueapti*).

<sup>1</sup> Tac. Ann. iii. 53.

<sup>2</sup> Hugo *jus civile Antejustianicum*, vol. i. p. 15. 7.

<sup>3</sup> Cicero pro Mil. 10, "magno ancillarum puerorumque comitata." Vedius alto travels with a great number of slaves, as Atti. vi. 1. Horace Sat. l. iii. 11. says "Habebat sæpe ducentos, sæpe decem servos."

<sup>4</sup> See Plin. Nat. Hist. xxxiii. 47-52, et seq.

Rome.<sup>1</sup> Chrysostom says, that under Theodosius the Great, and Arcadius, some persons had two and some three thousand slaves. From the time of Augustus to Justinian, we may allow three slaves to one freeman; and of the twenty-eight millions of population in Italy, upwards of twenty millions were slaves. "After weighing every circumstance which could influence the balance," says Gibbon, "it seems probable that there existed in the time of Claudius about twice as many provincials as there were citizens of either sex and of every age, and that the slaves were equal in number to the free inhabitants of the Roman world." The total sum of this rough calculation would rise to the amount of one hundred and twenty millions of persons, one half of whom were slaves.<sup>2</sup>

This will not seem so surprising when we consider the vast numbers that accumulated upon the government by the endless conquests that extended the dominions of the Roman Empire. The very term that indicates slave in the Latin language shows that they are the living monuments of the mercy of their conquerors who have spared their lives, and to whose mercy they and all their posterity are indebted for their existence upon the face of the earth.<sup>3</sup> The law of captivity was enforced to its most rigid extent, though it was sometimes modified by subsequent treaties between the vanquished and the victors.<sup>4</sup>

After the fall of the Samnites at Aquilonia, two million and thirty-three thousand pieces of brass were realized by the sale of prisoners, who amounted to about thirty-six thousand.<sup>5</sup>

Lucretius brought from the Volseian war, one thousand two hundred and fifty captives; and by the capture of one inconsiderable town, no less than four thousand slaves were obtained. On the descent of the Roman armies upon Africa in the first Punic war, twenty thousand prisoners were taken. Gelon, prætor of Syracuse, having routed a Carthaginian army, took such a number of captives that he gave five hundred to each of the citizens of Agrigentum.<sup>6</sup>

On the great victory of Marius and Catullus, over the Cimbri, sixty thousand were captured. When Pindenissus was taken

<sup>1</sup> *Publicos Servat*. liv. ix. 29.

<sup>2</sup> See Essay of Hume on popl. of Ancient Nations. Gibbon, Dec. and Fall of the Roman Empire, ch. ii. Blair's Inquiry into State of Roman Slavery, ch. 1.

<sup>3</sup> *Inst. Just.* liv. i. t. 2, c. 3. See note (1), supra, p. 72.

<sup>4</sup> *Liv.* xlii. 8. See *Hist of Ligurians*.

<sup>5</sup> *Liv.* x. 46, "Id aes reductum ex captivis dicebatur."

<sup>6</sup> *Idem et seq.*

by Cicero, the inhabitants were sold for more than one hundred thousand pounds. Augustus having overcome the Salassi, sold thirty-six thousand as slaves, eight thousand of whom were capable of bearing arms.

Cæsar, in his Gallic wars, according to the moderate estimate of Velleius Patereculus, took more than four hundred thousand prisoners.<sup>1</sup>

In addition to these vast numbers that were constantly accumulating upon Roman territory during the Augustan ages of her empire, there were multitudes imported from foreign nations into the Roman markets as lawful articles of commerce.<sup>2</sup>

Besides the Asiatic resources of the Roman slave trade, of which we have made mention, the trade in Africa is as old as history reaches back. Among the ruling nations of the north of that continent, Egyptians, Cyrenians and Carthaginians, slavery was not only established (as we have before said), but they imported whole armies of slaves, partly for home use, and partly, at least, among the Carthaginians, to be shipped to foreign markets. They were chiefly drawn from towards the interior, where kidnapping was then carried on as extensively as in more modern times. The Troglodyte Ethiopians seem to have been a wild negro race dwelling in caves in the neighboring mountains,<sup>3</sup> who were kidnapped by the Garamantes to be sold as slaves.

The slave trade in Africa was directed mainly to females, who, in the Balearian Islands, were sold for three times as much as men.<sup>4</sup>

The Island of Delos became an extensive mart for slaves, for both Greek and Roman traders. In this opulent emporium it is said that as many as ten thousand could be bought and sold in a single day. We are told that for a long time great numbers were drawn from the interior of Asia Minor, particularly

<sup>1</sup> Patere. Hist. Rom. vol. i. p. 58.

<sup>2</sup> See Heynes' *Opuscula Academica*, vol. iv. p. 137.

<sup>3</sup> Heeren's Hist. Researches, vol. i. pp. 181, 223, 239. Liv. xxxii. 26. Juvenal speaks of the negro slaves, v. 51:

"Tibi pocula cursor,  
Gætulus dubit, aut nigri manus ossea Mauri,  
Et cui per mediam nobis occurrere noctem,  
Clivosæ veheris dum per monumenta Latina."

"The Getulian footman, or the bony hand of a black Moor, will hand you the drinking cups, one whom you would not be willing to meet at midnight while among the Latin tombs upon the steep way."

<sup>4</sup> Heeren's Hist. Researches, vol. i. p. 239.

from Phrygia and Cappadocia. There were six thousand slaves belonging to the temple of a goddess in Cappadocia. Slaves appear to have reached the markets of Rome, under the Cæsars, in separate bands, composed of the natives of their several countries. The Getae, probably, came from a country to the east of the Pontus. The Davi were an oriental race. Alexandria was a considerable place for the sale of slaves of a peculiar kind : slaves possessing certain accomplishments were procured at Cadiz. Corsica, Sardinia, and even Britain, were the birth-places of slaves.

The profits of the traders who bought slaves captured in distant nations were sometimes enormous. In the camp of Lucullus, in Pontus, we are told that a slave might be purchased for three shillings, while the lowest price they ever brought at Rome was fifteen pounds.<sup>1</sup>

The almost incredible numbers of human beings subjected to bondage and the dominion of the masters, by the conquests and commerce of the Roman people, accounts for the inexhaustible resources of their labor for public works ; the impregnable ramparts of their national fortifications, and the brilliant prowess of their army. Vast numbers were devoted to the construction of those superb piers, porticos, aqueducts, of which we read. How many must have been doomed to years of toil to complete the gigantic work of the Appian Way ! The Coliseum, the Mausoleum of Adrian, and other like works, whose magnificent ruins are now the admiration of the world — these were reared by the toil and blood of foreign slaves.

But though we have seen, to some extent, the vast numbers of Roman slaves, the sources whence they were derived, the mode in which they were acquired, and the works, to some extent, upon which they were employed, yet we have not as yet come to any knowledge of their real condition.

We find abundance of historical evidence, in the form of edicts, constitutions, codes, digests, and institutes, to show

<sup>1</sup> Plutarch's Vit. Lucullus. In trafficking with comparatively barbarous nations, traders also procured their slaves very cheap by barter. Salt, for instance, in ancient times, was much taken by the Thracians and other nations, for slaves. It was also customary for parents, anciently, to sell their children into slavery ; a custom which is still tolerated by modern and Christian nations, as to all its effects and deleterious consequences, as we shall see hereafter, in an examination of the condition of operatives in different nations. — Man-stealing was also prevalent among the ancients. St. Paul denounces man-stealers, 1 Tim. 1 : 10, as among the worst of sinners. But he alludes to the frequent practice of stealing and carrying away men into illegal bondage. Even Romans themselves were sometimes thus stolen and sold.

their true condition in law; but we find but an occasional rebuke of the Satire, and a sly and silent tear dropped here and there, by the tragic poet, for their sufferings, to determine accurately their true condition.

Roman slavery, in law, was the worst and most barbarous form that has ever existed, except among barbarous nations — this a few quotations will serve to show :

Slavery is defined, by the Roman law, to be the subjecting of one man to the power of another, according to the law of nations, though *contra naturam*.<sup>1</sup>

Again : all slaves are in the power of their masters, which is derived from the law of nations ; for it is equally observable among all nations, that masters have the power of life and death over their slaves, and that whatsoever is acquired by the slave is acquired by the master. No injury is reputed to be done to a slave, but to the master, through the body of the slave. Servile relations are an impediment to matrimony. No slave is allowed to testify, or to have any kind of civil right or condition : they were held *pro nullis*, or *pro quadrupedibus*. A more perfect and absolute ownership was originally given to the master over his slave, and they were sunk to a lower grade of chattels, by the laws of Rome, than any other civilized nation.<sup>2</sup>

<sup>1</sup> Inst. Just. lib. i, t. 3, c. 2. “*Servus autem est constitutio juris gentium, qua quis domino alieno contra naturam subicitur.*” It is argued that because this takes *contra naturam*, it is unjust; but the same argument would apply to all penal statutes; because all men are by nature born free, it does not follow that circumstances may not justly deprive them of liberty.

<sup>2</sup> Inst. Just. lib. i. t. 8, c. 1. The power of life and death here given to the master over his slave, is peculiar to the Roman law, unless it may exist in some barbarous nations who have no written law, or among the different tribes and nations of Africa. This feature of law implies an absolute ownership on the part of the master over his slave, as much as over a stick of timber or a block of granite, and substitutes a relation between them that has no just existence in natural, human, or divine law. It is not the just, humane, and divine relation of master and servant, as of parent and child, husband and wife, &c., but of lord and brute, man and beast. But this law was subsequently repealed by the constitution of Antonius, in the second century of the Christian era. Dig. lib. i. t. 6; Inst. lib. i. t. 8, c. 2. The heartless barbarity of this law, and its effect upon the sensibilities of some (particularly the ladies), is strikingly set forth by Juvenal, in a dispute between the master and mistress of some unfortunate slave: —

“Pone crucem servo. — Meruit quo crimine servus  
Supplicium? quis testis adest? quis detulis? andi,  
Nulla unquam de morte hominis cunctatio longa est.  
Oh demens! ita servus homo est? nil fecerit, esto:  
Hoc volo; sic jubeo: sit pro ratione voluntas.”

This feature of Roman slavery bore more severely upon the *familia rustica*, or country laborers, who were far removed

Juvenal, vi. 218. Which may be translated as follows — “Crucify that slave! — But, my dear, what is the crime, to call for such punishment? Can you produce any witness? Who informed against him? Remember, no investigation can be too deliberate and cautious, where a man’s life is at stake. — Oh, you fool! so a slave is a man, is he? Suppose he has done nothing: I will it; I command it. Is not my will a sufficient reason?”

Again, he says (Sat. xiv. 21): —

“Tum felix, quoties aliquis tortare vocato  
Uratur ardenti duo propter lintea fereō,  
Quid suadet juveni lectus stridaro cutenæ,  
Quem mire afficiunt inscripta ergastula cacer  
Rusticus.”

“Then is he happy, indeed, when the torturer is summoned, and some poor wretch is branded with the burning iron, for stealing a pair of towels. What example does he set his son, who revels in the clank of chains, and whom the brands of wretched slaves and the rustic dungeon fill with delight.”

“Quidquid dominus indebite, iracunde, libens, nolens, oblitus, cogitans, sciens, nescius, circa servum fecerit, judicium, justitia, lex est.” Petrus, Chrys. Serm. 141. The severity of this rule was undoubtedly mitigated, in many instances, by the compassion of conscientious and humane masters; yet the stern old Roman feeling prevailed, and most masters availed themselves of the latitude of the laws to its fullest extent; cruel masters and mistresses hired torturers by profession, or had such persons whose business it was to punish their slaves, to exact confessions from them, &c., and many horrible torments were employed for this purpose. Juvenal alludes to this custom, and the cruelty of the women. See Sat. vi. 475. “If her husband has gone to sleep with his back towards her, the house-keeper is half killed; the firewomen are stripped to be whipped. The Liburnian slave is accused of having come behind his time, and is forced to pay the penalty of another’s sleep; one has rods broken about him; another bleeds from whips, another from the raw hide. Some women pay a regular salary to their torturers: while he lashes, she is employed in enamelling her face. She listens to her friend’s chat, or examines the broad gold of an embroidered robe. Still he lashes. She pores over the items of her long diary. Still he lashes; till at length, when the torturers are exhausted, ‘Begone!’ she thunders out, in an awful voice — the inquisition being now complete.” — The refined cruelty of the Roman ladies was proverbial. The toilet of one was a terrible ordeal for a dressing-maid; a stray curl was an inexorable offence; and the poor girl’s back was punished for the faults of the mirror. “Et ne fortuita quidem verberibus excepta sunt, tussis, sternutamentum singultus.” Sen. Ep. xlvii. An accidental cough, sneeze, or hiccup, at forbidden times, was severely punished. See Ovid, Am. i. 14. 13; Art. iii. 235: Mart. ii. 66. Juvenal, vi. 491: —

“Disponet erinem laceratis ipsa capillis,  
Nuda humero Precas inflex, nudesque mamillis.  
Altive hic quare cincemus? Taurea punit  
Continuo flexi crimen facimusque capilli.”



from all intercourse with Roman civilization and society : they saw and knew little else besides their field of labor, their villieus (overseer), and the dismal abodes of the Ergastulum.

Here is a dark chasm in Roman history that we cannot unveil. The accounts that have come down to us relate mostly to the condition of the *varnæ familia urbana*, or household servants. Like the Greek slaves who toiled for years in the mines of Laconia, in chains, or spent their lives upon the country estates of Attica, we hear little of the miseries and groans of the Roman Ergastulum ; we cannot now gather up the tears and blood that were shed upon the Appian Way, around the mausoleum and public works of Augustus, nor upon the countless farms of the provinces ; these are tales of woe that will not be revealed till the day of doom.

It is contended by modern anti-slavery writers that slavery in the abstract is wrong. But what, except the bewildered idea they form of all such institutions from this barbarous feature of Roman slavery, leads them to any such conclusion ? It is upon the relation that follows from this most absolute form of the institution, that all their reasoning is founded, and from which all their conclusions are drawn.

That the rule that gives the master the absolute ownership of his slave, so as to place the power of life and death over him in his hands, is at war with the laws of humanity and the principles of human nature, no one will deny. It is subversive of the laws of creation that one man should thus own another. But does the relation of master and slave, rendered just and humane by good and wholesome laws, such as secure protection to the life and person, and kind treatment to the slave, imply any such a power ? or is it in itself liable to any such objections ? We trow not.

Some laws have existed against the cruel treatment of slaves, in all civilized nations, since the days of Moses down to the present time, except during the age of the Republic of Rome, in which this custom prevailed. But while it existed it was severely animadverted upon by all the most celebrated philosophers and poets of that nation, as their writings abundantly testify.<sup>1</sup>

“Poor Precas, with naked shoulders and breast, dresses her hair. But why is this curl too high ?” Instantly the cowhide avenges the heinous crime of misplacing a hair. “But what has poor Precas done ? what crime is it of the poor girl’s, if your own nose displeases you ?”

<sup>1</sup> The writings of Seneca are full of tender sympathy for the slave. He says, “*Servis imperare moderate laus est ; et in mancipio cogitandum*

Although many of the Roman poets and philosophers abounded with passages of commiseration and reproof for the unfortunate condition and treatment of the slaves, they at the same time furnish abundant proof that they were but little heeded. Slaves seem to have been valued by some only so far as they represented money. Hortensius is said to have cared less for the health of his slaves than that of his fish. It was a question of ingenious disputation, whether, in order to lighten a vessel in a storm, one should sacrifice a valuable horse or a worthless slave.<sup>1</sup>

It was the law at Rome, till long after the Christian Era, that when a master was put to death by any one of his slaves, the whole household of slaves, including the freedmen under the roof, had to suffer the penalty of the law.<sup>2</sup>

The power of life and death which the Roman master had over his slaves, was first sought to be abolished by Adrian and Antonius Pius, in the second century.<sup>3</sup> As their numbers multiplied great severity was necessary to keep them in subjection; at times their oppression became so intolerable that they revolted in various provinces and in vast numbers.<sup>4</sup>

Some idea may be formed of the rigid discipline to which they were subjected from the numerous classes into which they were divided, and the distinct offices which they were called to fulfil. A brief analysis also of the Roman family, including

*est, non quantum illud impune pati passit. Sed quantum tibi pumittat aequi bonique natura.*" In the same place the conduct of Vadius Pollio who fed his fish with the flesh of his slaves, is severely reprobated. *De Clem.* i. 18.

Again, he says, "*Erat si quis existemat servitutem in totum hominem decedere; par melior ejus excepta est.*" His 47th Epistle is taken up in describing what the treatment of slaves ought to be.

The younger Pliny was a humane master, and many instances are recorded by historians of the magnanimity and grateful conduct of slaves. Dio Cassius, *Hist. Rom.* i. 47, mentions three slaves in the time of Antony's proscription, who saved their masters at the loss of their own lives. This feature of the institution was discountenanced and done away with by the prevalence of Christianity, wherever it was encountered. (See Essay on Slavery in the New Testament.) This feature of the Roman system never existed in India, as the provinces were left to their own municipal regulations.

<sup>1</sup> Writings of B. B. Edwards, vol. ii. p. 98, from which essay we have derived great assistance in the investigation of this subject. Also Blair's *Inq. Rom. Slavery*.

<sup>2</sup> Tac. Ann. xiv. 41.

<sup>3</sup> Inst. Just. liv. i. t. 8. c. 2.

<sup>4</sup> Liv. iv. 45; do. xxii. 33; also xxxiii. 36. Diodorus mentions an insurrection in Sicily, A. C. 135, the most dreadful that ever occurred.

the slaves will serve, to some extent, to show the endless formality and vast display of a princely household.<sup>1</sup>

Unlike most of the Grecian States, where the women were little esteemed, and treated as children all their lives, confined to their own separate apartments, shut out from all social life and intercourse with public amusements, we find the Roman matron, though naturally subordinate to her husband, yet treated with open attention and regard; she always appears as mistress of the whole household economy, instructress of the children, and guardian of the honor of the family, equally esteemed with the *pater familias*, both in doors and out. The husband at the death of his father and grandfather, or by emancipation from their authority, became himself the *pater familias*, which constituted him lord of all the vast routine of his possessions. The children were but a part of the family patrimony, and remained during the life of the grandfather subject to his arbitrary power and control, and at his death they fell under the same authority of the father.

Though the Roman custom in relation to marriage and the position of woman was decidedly preferable to that of the Greeks, yet directly the reverse is true with regard to the relation of parent and child. The Roman custom upon this subject is one of the most remarkable instances of arrogance, arbitrariness and injustice to be found in the laws of any nation. It extended the right of protecting and directing the child during infancy over his entire life and liberty, and continued the same, including the power of life and death over his person as long as he lived.<sup>2</sup>

The *patria potestas* of the Romans differed only from absolute ownership (*dominium*) in that the latter related to things, while the former extended over persons; but when applied to their slaves it is difficult to see any distinction between them.

<sup>1</sup> The Roman family in the sense in which it is used signifies, first, the whole collected society of the house, freemen and slaves, at the head of which stands the *pater familias*. Cic. de Invent. ii. 50. It has various other meanings which are here unnecessary to be mentioned, as we design to treat principally of the slaves.

<sup>2</sup> See Just. Inst. liv. i. ts. 9-10. The *patria potestas* ceased, if the son became a *flamen dialis*—a priest of the sacred order. Tac. Ann. iv. 16. Gai. iii. 119. Other dignities made no difference. See Val. Max. v. 4, 5. In case of a daughter it ceased when she entered into marriage with *manus*, or became a vestal virgin. Gell. i. 12., “Eo statim tempore sine emancipatione ac sine capitis minutione a patris potestas exit,” Ulp. x. 5. “In potestas parentum esse desinunt at hi, qui Flamines inaugurantur, et quæ Virginis Vestæ capiuntur.” Gai. i. 130.

The authority of the father, extending in a direct descending line to the latest generation born in his lifetime, would naturally extend the limits of the family circle to large numbers of relatives, and give him dominion not inferior to the patriarchal rule of old. Sometimes the members of the family were increased by adoption of other children.<sup>1</sup>

In later times this unnatural custom was somewhat modified in that the power of life and death came to be considered in the right of discipline and punishment, which was given to the *pater familias*; and as the father would naturally decline to sit in judgment upon the life of his son for a public offence, he would convoke a family council for that purpose.<sup>2</sup>

But if the Roman father was so devoid, not only of paternal affection, but of the common sympathies of humanity, as to sit and coolly deliberate upon the passing of the sentence of death upon his own legitimate son, what mercy can we hope for towards the poor delinquent slave, who trembles at "*vox domini furit instantis virgamque teneretis.*"<sup>3</sup> The period fixed for the majority of males was, by the Roman law, twenty-five years; at this age the son passed from under the authority of the *curator*, and if his father and grandfather were both dead, he became *sui juris*, or independent; but if either of them were alive, he still remained under their power as long as they lived, unless he was emancipated "*de jure,*" or "*de facto.*"<sup>4</sup>

<sup>1</sup> In the legal form of adoption, this barbarous power of the father is expressly specified as though it was one of the essential requisites to constitute one the child of the adopted father." *Velitis jubeatis, ut L. Valerius, L. Titio, tum jure legique filius siet, quam si ex eo patre matrique familias ejus natus esset, utique ei vitæ nescisque in eum potestas siet, uti patri eundo filio est.*" *Gill. v. 19.*

<sup>2</sup> "*Cassius filium—adhibito propinquorum et amicorum concilio affectati regni crimine domi damnavit verberibusque affectum necari fossit.*" *Val. Max. v. 8. 2.* On the killing of Cassius Viellinus by his father, see *liv. ii. 41, Diony. viii. 79. Plin. H. M. xxxiv. 4.* This judgment is mentioned by *Val. Max. v. 8. 3,* where he says of *T. Manlius Torquatus*, "*ne consilio quidem necessariorum indigere se credidit,*" as his son had been accused by the Macedonians on account of extortion. The father sat in judgment for three days, hearing witnesses and so on, and finally banished his son from his presence; whereupon he killed himself. The same author (*v. 9. 1.*) relates another instance, when *L. Gellius* held judgment on his son, "*pene universo senatu adhibito in consilium,*" and after a careful inquiry, "*absolvit eum tum consilii tum etiam sententia sua.*"

Other examples are related of sentences being passed by fathers upon their sons without the intervention of a family meeting.

<sup>3</sup> *Juven. xiv. 63.* "As the voice of his master thundered, brandishing his whip over his head."

<sup>4</sup> *Just. Inst. lib. i. t. 9.* The Grecian law, as well as that of all other

This custom, however, was peculiar to Roman citizens, and though nearly related to that of exposing and destroying new-born children, must not be wholly confounded with the same.<sup>1</sup> But, though the political reasons on which they are said to have been respectively founded, are somewhat different; yet they both seem to have sprung from that same arrogant spirit of domination so strikingly peculiar to the Roman character in ancient times.

The right of the father, also, to sell his children was unquestionably recognized by the Twelve Tables, though few instances of the like can now be found; it seems, therefore, to have been early modified into a legal form of emancipation.<sup>2</sup>

The father could not renounce his authority over his son except by suffering him to be adopted in the power of another, or by this formality of emancipation.

But this unnatural dependence in which the son was held by the father applied also to the daughter; the most beautiful and accomplished young lady was liable to be sold or put to death at the will of an arbitrary and tyrannical father.<sup>3</sup> As long as the daughter remained single, she was under the power of her natural father. Neither the son nor daughter could, at any age, contract marriage without the consent of their father. Therefore, by marriage the daughter was emancipated from the power of her natural father, and, as it were, by adoption came under that of her father-in-law.

There was a kind of marriage practised among the slaves,

civilized nations, upon this subject differed from the Roman in two respects:—First, that the father's power over his son ceased at his arriving at majority, or at his marriage, or on his being entered on the list of citizens. Secondly, by the father having a right to terminate the relation of parent and child, by banishing him from his house, or disinheriting him, without daring to injure his life or liberty. Beck's Gall. p. 178. Dion. ii. 26. “Ὁ τῶν Ῥωμαίων νομοθετῆς,” &c.

<sup>1</sup> At Rome, it seems to have been commanded that the deformed should be put to death. Cic. de Leg. iii. 8. Liv. xxvii. 37. Sen. de Ira., i. 18. And the exposure and murder of new-born children was not unfrequent even in the first families, as many instances show. Dio. Cass. xiv.; and the Lex. Gentilia of Fabii Dioys. ix. 22. See also Plaut. Cas. Prol. 41. 79. Cist. 13, 17, 31. Ter. Heant, iv. t. 37.

<sup>2</sup> A fragment of the Twelve Tables decreed: “Si pater filium ter venunduit, filius a pater liber esto.” Ulp. xi. Again (Idem.): “Liberi parentum potestate liberantur emancipatione, id est si posteaquam mancipati fuerint manumissi sint. Sed filius quidem ter mancipatus ter manumissus sui juris fit. Id enim lex xii. tabularum jubet his verbis:” *Si pater filium ter venunduit, filius a pater liber esto.*”

<sup>3</sup> “Se filiam jure cæsam judicare, ni ita esset, patrio jure in filium animadversurum fuisse.” Liv. 1 : 26.

but it was only as a natural right, and wholly distinct from the marriage of free persons; hence the term applied to it was, *contubernium*, instead of *matrimonium*, and the married pair were called *contubernals*. The master, in case of the slave, as with his own children, decided upon the propriety of the match.<sup>1</sup>

The slaves born in the master's household were called the *vernæ*; the possessions of the master were divided, first, into the *familia urbana* and *familia rustica*, and we read that most of the vast numbers possessed were employed in the *familia rustica*, or upon the country estates; but hundreds were in the *familia urbana*, or immediate households of the master. It is to this family that we shall chiefly confine our analysis.<sup>2</sup> These families of slaves, of which only we shall speak, were again divided, first, into *decuria*, or divisions of ten in each; and again into ranks or classes, according to the occupations which they followed.

Pignorius, who has treated this subject, perhaps more extensively than any other author, has enumerated forty-eight classes of rustic slaves; forty of rustic or urban; sixty of urban; sixty-six of personal attendants; fifteen of upper slaves; thirteen of nursery; one hundred and thirty of luxury, and five of military slaves; in all, three hundred and twenty-five classes.<sup>3</sup> We cannot pursue all these classes in detail, and shall, therefore, treat only of the six primary divisions: the *ordinarii*, the *medici*, literati; *anagnostæ*, *librarii*, and *vulgares*. Under these several heads, innumerable subdivisions were included.

The *ordinarii* seem to have been a division of the highest rank of slaves; they were placed above the others (*cæteris profecti erant*), and had their own slaves (*vicarii*) as a part of their own estate, or *peculium*, acquired by their own economy.

Sometimes the master gave the *ordinarii* assistant slaves, who acted under him, and for whose conduct he was responsible to his master.<sup>4</sup>

<sup>1</sup> Dio. Cass. xlviii. 44; lix. 13 (and), "qualicumque vilico contubernalis mulier assignanda est." Col. 1 : 8. "To each (meaning male slaves) his espoused woman must be assigned by the overseer."

<sup>2</sup> "Urbana familia et rustica, non loco sed genere distinguitur." Fest. 166.

<sup>3</sup> The slave family considered in this point has been treated by Pignorius: "De servis et eorum apud veteres ministeriis." By Titus Papma, De operis servorum, and Goei in the explanation of the Columbarium Libertorum et servorum Liviæ Augustæ, referred to in Blair's Enquiry into the state of slavery among the Romans.

<sup>4</sup> Vicarius est qui servo furet." Hor. Sat. ii. 7 : 79.  
The *vicarii* existed at an early period.

The *ordinarii* were the special confidants of the master, and entrusted by him with the management of his income and outlays; they appointed and controlled the other ranks of slaves, both in the house and at the villa.

In this class of slaves are mentioned the *procurator*, the *actor*, and *dispensator*.<sup>1</sup>

The *actor* seems to have belonged, chiefly, to the family *rustica*, and to have acted in about the same capacity as the *villicus*, which answers nearly to the outdoor duties of the modern overseer.<sup>2</sup>

The *dispensator* was a kind of book-keeper and cashier in the family *urbana*.<sup>3</sup> Another of the principals at the head of domestic arrangements was the *atriensis*, who originally shared the duties of the *dispensator* and *procurator*. The *procurator* was the general supervisor, whose duties were quite analogous to those of a modern general agent, or of a supercargo. In later times there were, doubtless, special *atrienses*, whose duties were confined to the several departments of the house, as the *atrium*, department of statuary, &c.

There was, also, in this division, the *celurius*, or *promus*, who had charge of the *cella penaria* and *vinaria*, and furnished the daily supplies, and took charge of what remained.<sup>4</sup>

We read also of the *negotiatores*, who attended to certain outdoor business-transactions for their masters, such as financiering and moneyed arrangements.<sup>5</sup>

The multitude of slaves that thronged the premises of the family *urbana* were sometimes mischievous and noisy; this gave rise to the *silentarii*, who were a kind of patrol, that kept watch over the quiet of the household.<sup>6</sup>

“Esse sat est servum; quam nolo vicarius esse.”

“Scio mihi vicarum esse.” Plaut. *Asin.* ii. 4, 28.

And Cicero, when he wishes to mark the *velitas* (contempt) of *Diognotus*, a public slave, says; “*Vicarum nullum habet, nihil omnino peculii.*” Verr. iii. 28.

<sup>1</sup> Suet. Gall. 12. This *procurator* must not be confounded with the like term occurring so often in legal matters; the latter could only be a freedman. Dig. lib. 13, t. 3. Cic. p. Cæl. 20. But domestic *procuratores* were slaves or freedmen. Cic. de Crat. i. 58. Ad. Attic. xiv. 16.

<sup>2</sup> Cælum, i. 7; ib. 8. In Scæv. Dis. xxxiii. 7–20.

<sup>3</sup> Cic. ad Attic. xi. 1. “Nihil scire potui de nostris domesticis rebus, de quibus acerbissime afflictor quod qui eas dispensavit, neque adest istæ neque ubi terrarum sit scio.”

<sup>4</sup> Plaut. *Asin.* ii. 4.

<sup>5</sup> Plaut. *Pseud.* ii. 2; and hence, also, the *Conducus Promus*. Plaut. cap. iv. 2. 115.

<sup>6</sup> Sen. *Epist.* 47.

Of the numberless subdivisions under this head we shall mention but few. The terms by which they are designated indicate their occupation. Of these were the *architecti*, *fabri*, *tectores*, *statuarii*, *pictores*, *cœlatores* (engravers), *plumarii* (ornamental weavers), *topiarii* (fancy gardeners), *viridarii*, *aquarii*; also, the *symphianiaci* (or band of household musicians), *ludiones* (puppet-dancers), *mimi* (buffoons), *funambuli* (rope-dancers), *petauristæ* (mountebanks or jumpers), *saltatrices* (women dancers), and *gladiatores*. Besides these, they had the *moriones*, or clowns, *fatui*, or idiots, and *nani*, or dwarfs.<sup>1</sup>

The second primary division of the higher order of the slaves which we shall mention, is the *medici*.

It was at a late period that the study of medicine attained to any distinction at Rome, and then it was almost exclusively practised by foreigners. Pliny says that the first Grecian physician, Archaguthus, arrived at Rome, from the Peloponnesus, in the year of the city five hundred and thirty-five.<sup>2</sup>

The astonishment which the art first excited was soon turned into distrust, and sometimes into aversion. Cato earnestly warned his son against the Greek physicians and the study of medicine.<sup>3</sup> Even in the time of Pliny, the Romans themselves attended but little to the art, though it was, as he says, very profitable; but it was, perhaps, for that reason lowered in the estimation of the old Romans.<sup>4</sup>

Pliny gives an interesting account of the relation in which the patient stood to the physician, which may well be applied to our own times. After remarking that the Romans did not pursue the science with much devotion, he says, "*Imo vero auctoritas aliter quam Græce cum tractantibus, etiam apud imperitas expertesque lingue non est. Ac minus credunt, quæ ad salutem suum pertinent, si intelligunt. Itaque in hæc artium sola evenit, ut cuicumque medicum se professo statim credatur. Nulla præterea lex est, quæ puniat inscitiam,*

<sup>1</sup> See Beck's Gall., p. 206, translated by Metcalf, to which we are very much indebted for the investigation of this subject,

<sup>2</sup> Plin. xxix. l. 6.

<sup>3</sup> We cannot wonder that Plautus scourges them with jokes, Monach. v. 3. 5. Even Athenæus says (xv. 666), "*εἰ μὴ ἰατροὶ ἦσαν, σκεδὲν ἦν τῶν γραμματικῶν μορφοτέρων.*" "If they cannot be doctors, there is no one of the learned professions more simple."

<sup>4</sup> "Non rem antique dumnabant, sed artem. Maxime vero quæstum esse immani pretio vitæ, recusabant." "The ancients pursued nothing but art. They denied the grand desideratum to consist in the immense value of human life."



*capitale nullum exemplum vindictæ. Diseunt periculis nostris et experimenta per mortes agunt, medicoque tantum hominem occidisse impunita summa est.*"<sup>1</sup>

As the professional physician, therefore, was not looked upon in the most favorable light, the Romans were accustomed to employ trustworthy slaves as their family physicians, and careful fathers of families collected recipes or prescriptions for particular cases. Thus, Cato had a receipt-book, *commentarium*, quo mederetur filio servis familiaribus. These slaves were called the *medici*. Surgery, as well as physic, was practised by the *medici*; but, it is possible that there were separate ones for this branch of the profession, known as the *vulnerum medici*. In the time of Tiberius regular *chirurgi* occur. About this time physic began to be divided into distinct branches, and there were doctors for the eye (*medici ab oculis*), as well as dentists, &c.<sup>2</sup>

Another class of well-educated slaves, were the *literati*; a class of whose literary acquirements and knowledge the master made use of for his own convenience. They were principally employed as *lectores*, or readers.

Men of letters were accustomed, when at their meals, or not other ways mentally employed, and even while in the baths, to have these *lectores* to read to them. At the banquet, it was customary for the guests to be entertained a while by the *lectores*.<sup>3</sup> Martial alludes to this practice, and says that some of his friends invited him to their tables only to read to him their bad comedies. Augustus, when unable to sleep, used to send for his *lectores*.<sup>4</sup>

<sup>1</sup> "Moreover, the importance of this profession to those who did pursue it, was far less than among the Greeks; even among the ignorant and illiterate, it was held in disrepute. They attached less importance to those things pertaining to the health, than to the mind (literally, than if they acquired knowledge). Therefore it occurred to this alone, of all the arts, that to whomsoever a diploma might be given (or the profession might be entrusted), he became at once a *doctor*. Besides, there was no law to punish his malpractice, nor any capital example of vindication. They prescribe and experiment upon diseases at our peril, and however illustrious a man may die from his treatment, it is with the utmost impunity."

<sup>2</sup> Mart. x. 56.

<sup>3</sup> Plin. Ep. iii. 5. Cornelius Nepos says of Atticus, "*Nemo in convivio ejus aliud ἀκροαμα audit, quam anagnostem (or lectorem). Neque unquam sine aliqua lectione apud eum cunatum est.*" Cor. Nep. l. 16. "No one at his dinner-table heard any exhibition, other than the lector or reader. Nor did supper ever pass without some reading to him."

<sup>4</sup> Mart. iii. 50; Suet. Aug. 78; Cic. ad Att. l. 12.

There was also another class of educated slaves, called the *librarii*; these were slaves used for writing, hence also called *scribæ*. These seem to have been a distinct class, who were trained to serve as amanuenses, private secretaries, and the like, but were wholly distinct from the public scribes or notaries, who were *liberi*, or freedmen, and formed a separate order.

There were also the *pædagogi*, who served as private tutors to the children, or accompanied them when they went abroad to school; and the *matrices*, the girls.<sup>1</sup>

The slaves of luxury were numerous; and their several avocations serve to illustrate the means with which the Roman families of notoriety provided themselves with private amusements after meals, when the business of the day was at an end, and everything was brought forward that could serve for recreation. It was not until after the war with Antiochus, that the early simplicity of Roman manners was corrupted by Asiatic luxury; then their banquets began to be more elegant and sumptuous, by their imported refinements in cookery; and their leisure hours were whiled away by all kinds of shows (*αχροματια*), by artists hired for the occasion, or kept among the regular family slaves.<sup>2</sup>

Among these were the *symphoniaci*, the corps of household musicians; the frequent mention of which shows their general use.<sup>3</sup> To these were added, the *ludiones*, a kind of stage-dancers; the *mimi*, clowns or buffoons; the *funambuli*, rope-dancers; the *petauristæ*, a kind of mountebanks, or such as performed wonderful feats of muscular power and agility;<sup>4</sup> and lastly, the *gladiatores*, such as wielded the sword in mortal combat for the idle amusement of the beholders.

The deformed and idiotic (*moriones et fatui*) seem to have been in great demand, as sources of entertainment and amusement. The *moriones* were, perhaps, regular Cretins, as the term implies not only uncomeliness, but stupidity and deformity.<sup>5</sup>

<sup>1</sup> Cato the elder taught his son himself (*Καίτοι χαριεντα δούλον είχε γραμματιστήν ὀνομα Χλίωνα, πολλοὺς διδάσκοντα παῖδας* — Plaut. lat. Mag. 20), although he had a slave, called Clion, a most elegant teacher, who taught many other boys.

<sup>2</sup> Livy, xxxix. 6.

<sup>3</sup> Cic. Mil. 21; Petron. c. 33. 47; Sen. Ep. 54. Seneca says, that in their evening amusements there were more singers than formerly in the public theatres. "In commissationibus nostris plus cantorum est, quam in theatris olim spectatorum fuit."

<sup>4</sup> Petron. 53.

<sup>5</sup> Mart. vi. 39, describes one, "acuto capite et auribus longis, quæ sic moventur, ut solunt asellorum."

But their stupidity was their chief point of excellence, as the more stupid they were, the more valuable; thus affording the greater means of exciting laughter, by appearing the more ludicrous.<sup>1</sup> Even in the moral and humane Seneca's house there was no lack of them.<sup>2</sup>

Of a similar kind to these were the dwarfs (*nani*), who were the special favorites of the ladies.<sup>3</sup> Suetonius said of Augustus, "*pumilias (dwarfs) atque distortas ut ludibria naturæ malique omnis aborrebat*"; but still, it is said that he kept a court-dwarf, Canopus, the pet of his niece Julia.<sup>4</sup>

It will, doubtless, seem not a little surprising to the refined sympathies and moral sensibilities of the present day, that human nature could ever have been so depraved as to make sport of its own grievances and misfortunes, or as to eagerly seek the most glaring instances of the imperfections of the species, as sources of pastime and amusement. The above sentiment of Augustus would seem to be more consonant with reason and humanity. His feelings revolted at such freaks of nature and worst of misfortunes.

Another division of the Roman slaves was the *vulgares*, of a lower grade than the *ordinarii*; this division included all those who followed the more degraded avocations, and were confined to menial services, in doors and out. The first of this class may be mentioned as the Janitor, or *ostarius*, who constantly kept watch over the entrance to the house. In ancient times, and often later, their attendance was secured by fastening them with a chain to the door-post.<sup>5</sup>

The dog was the only companion of the Janitor, and helped him to guard the court and entrance to the house. He some-

<sup>1</sup> Mart. xiv. 210, et viii. 13.

<sup>2</sup> Sen. Ep. 50. "*Harpasten, uxoris meæ fatuam scis hereditarium onus in domo mea remanisse; ipse enim aversissimus ab istis prodigiis; sum si quando fatuo delectari volo, non est mihi longe quærendum me rideo.*"

<sup>3</sup> Gell. xix. 13, explains *ravous*, "*brevi atque humili corpore homines paulum supra terram extantes.*" Stat. Silv. i. 6. 57.

*"Hic audax subit ordo pumilionum  
Quos natura brevi statu peractos  
Nodosum semel in globum ligavit."*

<sup>4</sup> Plin. Hist. Nat. v. 16; Suet. Aug. 83, also lib. 61. The *nani* differed from the *distorti*. Quinct. Decl. 278; Inst. ii. 5. These monsters used to learn to dance and play the castanets. They used also to enact fights. Dio. Cass. lxxvii. 8. Brass statues of these abortions are still extant.

<sup>5</sup> L. Octacilius, "*serviisse dicitur; atque etiam ostarius veteri more in catena fuisse;*" "*and even to have been a doorkeeper in a chain.*" "*Janitor, indignum, dura religati catena.*" Ov. Am. 1, 161.

times bore his staff to repel an intruder, like the doorkeepers at the principal hotels in modern times.<sup>1</sup> Next came the *lubicularii*, who had the supervision of the sitting and sleeping rooms; and, probably, when the master was at home, waited in the ante-chamber; they also announced visitors.<sup>2</sup>

When any one of rank went abroad without any particular necessity for display, but in a private manner, one or more slaves usually attended him; hence there was a class called the *pedisequi*, though every slave that followed his master was not called by that name.

The Roman custom required the attendance of slaves in every situation, and under all circumstances to exempt the master from the most trifling exertions.<sup>3</sup> Hence, every species of labor, or pursuit of any description, except the military offices, legal acquirements and practice, senatorial duties, and those pertaining to matters of State, scientific and literary pursuits, became disreputable in the estimation of Roman citizens. Any deviation from the established custom by any of the elite, was sure to be visited by public notice, and, perhaps, bring the offender into public ridicule.<sup>4</sup>

Besides these, many of the first families at Rome used a nomenclator. It was with the Romans, in this respect, as with the people of the present day; every ambitious man who was electioneering for office, was obliged to condescend, at times particularly, to treat not only men of distinction, but even the

<sup>1</sup> Sen. de Const. sup. 14, Petron. c. 134, "*aruundinem ab ostio rapuit*."

<sup>2</sup> "*Hunc vestri janitores, hunc cubicularii diligunt; hunc liberi vestri, hunc servi ancillæ que amant; hic cum venit, extra ordinem vocatur; hic solus introducitur, cæteri sæpe frugalissimi homines excluduntur*." Cic. Verr. iii. 4. From this it would seem that the slaves had their preference, and would favor men of rank, while it was their duty to admit visitors in the order of their arrival. Cic. ad Att. 2. This complaint might well apply to some ill-bred slaves of the present day; they often take it upon themselves to distinguish those of rank as they fancy them.

<sup>3</sup> "*Nihil scire potui de nostris domesticis rebus de quibus acerbissime aditor; quod qui eas dispensavit, neque adest istic, neque ubi terrarum sit scio*." Cic. ad Att. xi. 1. "*Non rem antiqui damnabant, sed artem*." Martial (ix. 60, 22) speaks of one, "*qui asse duos calices emit et ipse tulit*;" "who purchased two cups and carried them home himself."

<sup>4</sup> Thus Cicero, in his strictures upon the common household arrangements of Piso, says, "*idem coquus, idem atriensis*." This looks a little like the law feminine, backbiting of families, so common between bickering neighbors. Horace (Sat. 1, 3, 12) speaks of the public ridicule thrown upon Tullius the prætor, because he had no more than five slaves to accompany him from the Tiburtine villa to Rome. Against all the derelictions of custom, fashion and duty, Juvenal, above all, aimed the poisoned shafts of satire.

common people, with many little notices of politeness and marked attention. Their houses were kept open to every one, and when they were abroad all were hale fellows well met. But so far were the haughty patricians removed from the names, interests, and social condition of the plebeians, that it was impossible for them to recollect, at a moment, the names and circumstances of those they might meet, who claimed the right, particularly in electioneering seasons, to be recognised, and to have a few words of agreeable chat with the candidate, that they kept slaves for this purpose, whose duty it was to remember the names, condition and circumstances of all they met, and inform their master.<sup>1</sup>

In the place of the hacks and pleasure-carriages of modern times, the Romans used the *lectica*; these were vehicles borne by slaves, which was a very common mode of travelling in the city, particularly for the ladies. The strongest and most imposing slaves in appearance were chosen for this purpose, and they consisted of Syrians, Celts, Germans, and especially Cappadocians. Sometimes there were six, sometimes eight in number. These were a very numerous class of slaves, as may well be supposed, in so populous a city as ancient Rome; they were called the *lecticarii*. Before the *lecticarii*, proceeded the *ante-ambulones*, in order to clear the road of the crowd. They did not always confine themselves to the customary words, "*dote locum domino meo*," but occasionally getting a little impatient, began to jostle with their elbows and to thrust aside with their hands.<sup>2</sup> This led sometimes to disagreeable collisions. "*Eques Romanus a servo ejus (Surgii Macedonis), ut transitum daret, manu leviter admonitus convertit se, nec servum, a quo erat tactus sed ipsum Macedonem tam graviter palma percussit, ut pæne consideret.*"<sup>3</sup>

The use of postillions, runners, and outriders, is not of modern origin; the Romans, in the time of the emperors, were particularly fond of this kind of display, and frequent men-

<sup>1</sup> "Ad urbem ita veni, ut nemo alius ordinis homo nomenclatori non notus," became a proverb. Sometimes, when their memory failed them, they would play a trick and substitute a name. "*Vetulus nomenclator, qui nomina non reddit, sed imponit.*" Sen. Ep. 27. Perhaps Jack Downing may have borrowed the idea from this custom, when he volunteered his services to shake hands for Gen. Jackson.

<sup>2</sup> Mart. iii. 46.

<sup>3</sup> A Roman knight being touched lightly by the hand of Surgius Macedo's slave, that he might give room to pass, turned not upon the slave who had touched him, but upon Macedo himself, and gave him such a blow that he almost fell. Plin. Ep. iii. 14.

tion is made of the *Cursores* and *Numidæ* who ran or rode in advance of the *rheda* or *carruca*. Thus, Seneca says: "*O quam euperem illi (Catoni) nunc occurrere aliquem ex his Trosulis in via divitibus cursores et Numidas et multum ante depulveris agentem!*"

It is a peculiar feature of Roman discipline, that all labor was so minutely divided, the operatives so minutely classed, and the lines of duty for each so distinctly marked out, that we can find no analogous system in modern times except in some of the extensive workshops in large manufacturing districts where the labor is, perhaps, in some instances, similarly divided. This is evident from the fact, that a classification of more than three hundred different classes, with specific duties, are mentioned.

We will next speak of the position and treatment of slaves. We have seen that some of the higher order of slaves were well educated, and accomplished artisans. Indeed, every description of employment, as a source of revenue, seems to have been followed by slaves; the system of hired or free labor, so common among the Grecian States, was almost wholly unknown to the Romans.

The primary division of persons with respect to liberty was, by the Roman law, into freemen and slaves.<sup>2</sup> And to every freeman (being a Roman citizen) all kinds of labor for profit was considered servile and dishonorable, and even slave labor not looked upon as a source of profit, but only as a means to promote their luxury and happiness.<sup>3</sup> The immense fortunes sometimes accumulated by wealthy Roman citizens, must have fallen to them either by inheritance, or by the spoils of war. In Greece, there was the extensive mining interests and other vast resources of productive industry. But, as to Rome, we read of no means of developing the resources of national wealth and power, but their agriculture and arms. A large portion of the property acquired by conquest consisted in captives, which they regarded as their absolute property, and could appropriate to any use they thought proper. Through-

<sup>1</sup> "Oh, how I wish some one from the rich Trassulians could meet him (Cato) in the road driving his runner Numidians and huge cloud of dust before him!" Sen. Ep. 87. Seneca probably envied Cato his display, and would like to have seen him outdone.

<sup>2</sup> Just. Inst., lib. 1, t. 2: "*Non rem antiqui damnabaut sed artem.*" Beck's Gall., p. 207.

<sup>3</sup> Beck's Gall., p. 199. Smith's Greek and Roman Antiquities. Art. Slaves.

out the republic, and even up to the times of the Antonies, the master held absolute control over his slave; he could practise the most cruel barbarities on him, or even kill him with perfect impunity.<sup>1</sup>

But, as we have said, this custom of all ancient civilized nations was peculiar to Rome; in Greek and Hebrew slavery, as we have seen, the case was different. At Athens, as in modern times, if a master was excessively cruel to his slave, he could be compelled to sell him.<sup>2</sup> Altogether, the position of the Roman slave was far harder than that of the Greek. For their food, the Roman slaves received a monthly allowance of the most necessary articles (*menstrua*), or daily (*diaria cibaria*); this allowance was called the *demensum*.<sup>3</sup> Cato fixes the allowance according to the slave's labor, at from four to five *modii* of wheat per month; wine, according to the time of the year; oil, one sext; salt, one *modus* per month, besides figs, olives, *halec*, and vinegar.<sup>4</sup>

The slave likewise received his *tunica* and *saguan*; for shoes he received *sculponeæ*, a kind of sandal made of wood. If he could manage to save anything out of his allowance by his economy, he might thus acquire a little property to which his master could lay no claim. Indeed, as in modern times, the principle "*quodcunque per servum acquiritur id domino acquiritur*," was not strictly adhered to, and the slave could thus earn a "*peculium*," by means of which he often purchased his freedom.<sup>5</sup>

<sup>1</sup> See Juvenal, vi. 218: "*Pone crucem servo*," &c. "*Apud omnes præque gentes animadvertere possumus, dominis in servos vitæ necisque potestatem esse, et quodcunque per servum acquiritur id domino acquiritur.*" Gai's *Inst.*, i. 52.

<sup>2</sup> But this is not true of Greek and Hebrew slavery, generally. Antiph. de Cæde Herod., p. 727. "If a man smite his servant with a rod, and he die under his hand, he shall be punished." Ex. xxi. 20.

<sup>3</sup> "*Servi quaternos modios accipiebant frumenti in mensem et id demensem dicebatur.*" Domet. ad Terren. Phoreni, i. 1, 9.

<sup>4</sup> Cato R. R. 56: We learn from Plautus that the allowance was given out monthly. Plaut. Stich. i. 2, 2.

"*Vos meministis quot calendis petere demensem cibum;  
Qui minus meministis, quod opus sit facto facere in ædibus.*"

. . . "*Rogabat*

*Denique cur unquam fugisset, cui satis una  
Farris libra foret, gracili sic tamque pusillo.*"

Hor. Sat. i. 5, 67.

Thus we see that bad diet, or scanty food, caused slaves to run away.

<sup>5</sup> Sen. Ep. 80: "*Peculium suum, quod comperaverat ventre fraudato, pro capite numerant.*" See also, Terent. Ph. i. 1, 9.

The slave might also acquire property by other means ; the master, usually, laid no claim to what the slave had found ; hence there were often very rich slaves.<sup>1</sup> As they had no civil position, or right as men in society, their names were a kind of nicknames, adopted at hap-hazard, as we adopt the names of dogs, horses, and the like.

There was no difference between the dress of the slave and that of the humble freeman.<sup>2</sup> The punishments of the slaves, which is the principal alleged sin against the institution of the present day, were numerous, and even rendered more severe by the increase of their numbers, the greater difficulty of keeping them in subjection, and their greater turbulence and viciousness. In treating upon this part of the subject, we must not overlook the fact that the multitude of Roman slaves had so increased as to greatly outnumber the freemen, and had become systematically demoralized and vitiated for a course of several centuries, so that they were, as a class, of equal intellectual capacity with the generality of freemen, of excessive cunning and audacity, and could only be kept under by extreme severity.

The milder punishments were, degrading out of the family urbana into the family rustica and into the ergastulum, where they often had to work — *catenati et compediti*.<sup>3</sup> There was a class called the "*Vincti compode fossores*," who are often mentioned ; this was the class that inhabited the ergastulum ; their crime was mostly that of running away, hence they were sentenced to this kind of ball and chain-gang who inhabited the dungeon.<sup>4</sup> The *compes* was, either a block of wood fastened to the leg by a chain, or, more commonly, regular leg-irons. Hence the proverb, "*Compedes, ipse fecit, ipsus ut gestet*

<sup>1</sup> Sen. de Benef., iii. 28, and Plin. xxx. 10.

<sup>2</sup> Sen. de Clem. i. 24. "*Dicta est aliquando in senatu sententia, ut servos a liberis cultus distingueret ; deinde apparuit, quantum periculum immineret, si servi nostri numerare nos cæpissent.*" Lampr. Serv. Alex. 27. Tac. Arm. xiii. 24.

<sup>3</sup> Plaut. Mart. i. 1, 17.

<sup>4</sup> Ovid, Trest. iv. 1, 5. Tib. ii. 6. 25. Col. i. 8, 16. Juvenal viii. 180. "*Ergastulum mancipia vincta compedibus.*" The Ergastulum was the abode of the rustic slaves. They must have been immense establishments to afford each slave a separate cell ; something upon the plan of a modern penitentiary. There was a dungeon attached to it, a vast excavation under ground, something like a modern cistern, with no entrance, except through a small aperture at the top, by a rope let down like a bucket into a well. Here there were separate cells for the convicts in the walls, like receiving tombs for the dead. Colum. i. 6. 3. See also Plaut. Pœnulus, Translation in Bohn's Library, vol. ii. p. 404, note.



*faber*. An iron collar (collare) like the Greek (χαλκος), and manacles (manicæ) were often used.<sup>1</sup>

Whipping was also common with canes or cudgels (fustes), or whips (virgæ ulmæe); hence for whipping they said, "*facere aliquam ulmeum*."<sup>2</sup> Plautus in his comedies makes one thoroughly acquainted with slave life on every side. Another severe punishment was to be hung up by the hands with weights attached to the feet while they were chastised.<sup>3</sup>

The more grievous penalties were branding, executed upon the fugitive or runaways, and upon the fures, or thieves. Letters were burnt in the forehead, to mark the crime; and those thus lettered were called the *literati*.<sup>4</sup> The *stigma* remained visible for life; and many who afterwards became free and rich tried

<sup>1</sup> Lucil. in Non. i. 62. Plaut. cap. ii. 2, 107; see also Translation in Bohn's Library, vol. ii. p. 404, note.

<sup>2</sup> Plaut. Asin. ii. 2, 96. Pers. ii. 4. 7. Also with straps. Hor. Epist. ii. 2. 15. There was also the *pistrinum*, where slaves, for punishment, had to perform hard labor on a bridewell, called by some a treadmill. Plaut. Asin. i. 1. 21.

<sup>3</sup> Plaut. Asin. ii. 2: 31. Hence, frequently, "*pendere et ferire pendentum*." Plaut. Terin. ii. c. 19. "By the powers your legs shall be broken if you do not proclaim this shameless fellow." See Plaut. *Asinaria*, or *Ass dealer*, vol. ii. Translation, Bohn's Library. One of the most cruel punishments for slaves was breaking their legs; this was done by stretching the leg upon an anvil and striking it with a sledge: see preceding note. Again, "When you are tied up with a full hundred pounds weight at your feet, when the manacles are fastened to your hands and fastened to the beams," &c. Plaut. Transl. vol. ii. p. 492. The slaves were hung up, to be whipped, with their hands fastened over their heads, and heavy weights to their feet to prevent them from kicking those who punished them. (See note.) Again, "Where you have been detected in theft: where you have full oft pleaded your cause as you were hung up, against eight clever hardened fellows." Plaut. Trans. vol. ii. p. 505. The eight clever hardened fellows here spoken of, were the *licitors* who attended the *Trumviri* who had especial jurisprudence over slaves, &c. (See Note.) "Within a short time, i' faith, Trunio, you'll full soon be adding to the iron-bound race in the country." *Mostelluria*, or the *Haunted House*. Plaut. Trans. vol. ii. 462. This has reference to the ball and chain-gang above spoken of. Again, "... unless, indeed, she wishes that we, her fellows, should all be given up to the tortures of the cross." The cross was an instrument of punishment among the Romans alone: it was designed especially for slaves: the convicts were first stripped, and either nailed or bound to it, and often left to die of starvation. Plaut. Trans. vol. i. p. 77. Again, "In that self-same position you will have to die outside the gates, when with your hands outstretched you will be carrying your cross." The gates here referred to mean the well-known gates at Rome, through which the slaves went to the place of punishment.

<sup>4</sup> Plaut. Cas. ii. 6, 49. Also *Natati*. Inscripti. Mart. viii. 75, 2. Plin. xviii. 3, 4.

to hide them with plasters.<sup>1</sup> Martial mentions a doctor Eras who knew how to efface the traces of a former branding.<sup>2</sup>

The thievish propensities of the Roman slaves are more frequently alluded to, and perhaps more severely censured than any other vicious habit; which is frequently mentioned by Plautus, and from which we may gather something of their vicious and depraved character generally.<sup>3</sup>

A very frequent kind of punishment was wearing the *furca*. It was much in the form of a V, and was placed over the back of the neck upon the shoulders, somewhat in the modern fashion of yoking a hog, while the hands were bound fast to the thighs.

Corporeal punishment in chains, however, was far more severe.<sup>4</sup> The *furca* was applied to slaves about to be crucified. Patibulum often means the same as *furca*, though literally it was the transverse beam of the cross.<sup>5</sup>

The words *extra portum*, used in Plautus, refer to the customary way of inflicting all supplicia outside of the city. It was not the legendary porta Metia, as some contend, from the reading in other places;<sup>6</sup> but the porta Esquelinea, outside of which, on the Campus Esquelinus, was the place of execution and general burial-ground.<sup>7</sup> It is also recorded that slaves were thrown into the *vivaria* to be devoured by wild beasts. and their conflicts with these animals are well known. A

<sup>1</sup> Spluniis Mart. ii. 29.

<sup>2</sup> x : 56 : 6.

<sup>3</sup> "Unless I manage this one thing to cook the dinner down in the dungeon, then when cooked, we bring it up in small baskets," &c. Here is another allusion to the dungeon; he means to say that such a place will alone prevent the thievish cooks from stealing everything that comes in their way. Plaut. Transl., Stylus or Parasite Rebuked, vol. i. p. 247. Again, "Is it among such men that you expect to find your ring? Chiurchus, Circonicus, Crimnus, Crisobalus, Calabus, were there; whipped-neck, whipped-legs, iron-rubbed knaves. By faith, any one of these could steal the sole from the shoe of a running foot-man." Plaut. Tim. vol. i. p. 56.

<sup>4</sup> Plaut. Cas. ii. 6, 67. "Tu quidem hodie canem et furcam feras." Plaut. Mort. i. 1, 53. Liv. ii. 36: "sub furca cæsum."

<sup>5</sup> Sen. Ep. 101. "Patibulo pendere dstrictum." Plaut. Miles Grogiose, or the Braggart Captain, ii. 4, 7. "Credo tibi esse eundum actutum extra portam despissis manibus patibulum eum habebis." Mart. i. 1, 52. "Ita te forabunt patibulum per vivas stimulis." Connifices went behind and beat and goaded the culprit.

<sup>6</sup> Plaut. Cas. ii. 6, 2.

<sup>7</sup> Tacit. Ann. ii. 32. Suet. Claud. 25. Tacit. Ann. xv. 60. Death by crucifixion was not uncommon. It was the Romans that introduced this mode of punishment into Judea, by which the Saviour of the world was put to death. He was crucified between two thieves, doubtless slaves, as this kind of punishment was peculiar to them.

dreadful case occurs in the writings of Cicero.<sup>1</sup> When the master was murdered by one of his slaves, the law enjoined that all should be put to death; a dreadful case of this kind occurs in Tacitus, where four hundred slaves, in one family, were put to death under this law."<sup>2</sup>

Sometimes extra cruel punishments were resorted to, as hacking off the hand, especially for theft;<sup>3</sup> or throwing the culprit to be devoured by the *Murænæ* <sup>4</sup>

One of the greatest hardships the slaves had to endure, was that, very frequently, for the most trivial offence, or from the mere caprice of some petulant master or mistress, they were subjected to the most refined cruelties and maltreatment. The Roman ladies, as we have seen, were particularly distinguished for this kind of treatment and fashionable accomplishment; and, indeed, their maids, who dressed them, seldom escaped without being beaten, scratched and torn, or pricked with needles.<sup>5</sup>

From the extreme hardship of the condition of the slave, resulting, in a great measure, from cruel treatment, the master had everything to fear from their vindictive feelings, which sometimes glutted themselves, either in sanguinary deeds of hidden vengeance, or in secret outrages upon the most sacred rights and privileges of the master, which strikingly exemplified the truth of Ovid's maxim, "*Sors ubi pessima rerum, sub pedibus timor est.*"<sup>6</sup>

Whips, thongs, &c., are not the most dreadful means of punishment; burning alive is mentioned in the Pandects and elsewhere.<sup>7</sup>

Scourges (flagella or flagra), sometimes loaded with lead, plumbatæ; and also chain scourges, with weights at the end, all of bronze or tin, were used.

The Equuleus was a terrible instrument of torture; dislocation was one of its effects.<sup>8</sup> There were, also, the fidiculae, lyre strings, the ungula and forceps. The nose, ears, teeth, or even eyes, were in great danger from an enraged master.<sup>9</sup>

<sup>1</sup> Cic. p. Clu.

<sup>2</sup> Tac. Ann. xiv. 41.

<sup>3</sup> Plaut. Epid. i. 1, 11.

<sup>4</sup> Sen. de Ira. iii. 40.

<sup>5</sup> Ovid. Amor. i. 14, 13. Art. iii. 235. Mart. ii. 66. Juvenal, vi. 491.

<sup>6</sup> Sen. Ep. 47. Cic. p. Mil. 22. "*De servis nulla questio in dommas, nisi de incestu.*" Val. Max. vi. 8, 1. Plin. Ep. iii. 14, relates an instance of such revenge.

<sup>7</sup> Sed de patibulo et comburio per omne ingenium crudelitatis exhaust. Test. de Anima, 1.

<sup>8</sup> Sen. Ep. xix.

<sup>9</sup> "*Trunci naribus auribusque vultus.*" Mart. ii. 83. "*Pecantis famuli pugno ne percuto dentes.*" Mart. xiv. 68.

A slave taken among the soldiers was cast from the Capitoline Rock, having been first manumitted, that he might be worthy of that punishment.<sup>1</sup>

No distinction seems to have been made between the modes of punishing male and female slaves. The laws that abolished the master's power of life and death appear to have been obeyed with great reluctance, and were frequently defeated by an increase in the amount of inferior punishments.

Such, in brief, was the condition of nearly sixty millions of human beings, scattered through every part of the vast domain of the Roman empire, in the times of the Cæsars, and descended from the most illustrious and remarkable nations upon the face of the earth. There was no part of the Roman world that did not witness their sufferings. The Sicilian dungeons were full. Medians, Mœsians, Bithynians, Celts, Germans, and Britons, were driven in crowds to the Roman markets and to the metropolis.

The kidnappers, like the modern corsairs of Barbary, were ever on the alert in the fastnesses of the Ethiopian Troglodytes. The voice of the slave auctioneer was heard early and late at Corinth and Delos. From Britain to Parthia, and from the hills of Sweden to the great African deserts, the cries of the bondmen went up to Heaven. And even Judea, at the time of the advent of the Messiah, may have witnessed all the horrors of the Ergastulum, the Quæstio, the Vivarium and the Crux. Here, too, the vast possessions of imperial wealth found their way; here, too, were those princely estates, and lordly banquets in palaces of splendor; here, too, you might hear the bustle of busy thousands along the thronged quays, or as it rose from the amphitheatre and the forum.

It was the home of Roman luxury, of gaiety and of joy, where royalty drowned itself in dissipation, while the lion roared over the martyred Christian, and the bleeding gladiator died at the beck of the applauding multitude.<sup>2</sup>

Here too, doubtless, many a beautiful Caucasian virgin has paid the penalty of her temerity, in humbly professing the name of Jesus of Nazareth, by being thrown to some hungry animal to glut his thirst for blood, or, what is worse, doomed to lead a life of open prostitution in some of the public brothels.<sup>3</sup>

<sup>1</sup> Dio. Cassius, i. 48. As slaves could not testify on the rack against their own masters, they were sold to others, and thus qualified to testify. Dio. Cass. iv. 357.

<sup>2</sup> King Agrippa exhibited at one time, in Judea, seven hundred pairs of gladiator slaves. Jus. Hist. xix.

<sup>3</sup> "Nam et proxime ad lenonem damnando Christianum, potius quam

## ESSAY V.

## SLAVERY IN THE NEW TESTAMENT.

It is a subject of mooted inquiry as to what position the Founder of the Christian religion occupied towards civil government, temporal institutions, and temporal powers. His advent furnished a new era in the history of the world. He was born in the dominions of Augustus; Palestine had become a province of the Roman Empire, subject to the relentless sway of a Roman tetrarch. The political code of Moses, once in force, had been superseded by the constitutions of the Cæsars; the ecclesiastico-political government of Israel, as such, was no more. And nothing was now left, separate, but the old Jewish ritual, of their Hebrew nationality.

The religion of Rome, like that of Greece and other nations of antiquity, was of human origin; it was a national religion, established, governed, and upheld by the authority of the State. The evidences of Divine countenance, in these systems, are found only in those rude and irreligious fables running through the mythical lutes of the muse.

The Patricians of Rome had, by law, long monopolized the order of priesthood; but the effort of Quintus and Cneius Ogulnius to separate the Patrician order from the plebeian (perhaps more distinctly), produced a reaction, and led to the assertion of the claim, on the part of plebeians, to the pontifical order. And hence the bill increasing the pontiffs by four, and the augurs by five additional incumbents, all eligible from the plebeians, became a law.<sup>1</sup>

As in Greece so in Rome, the rule of action and guide of life was formed from the civil law, rather than from any separate code of moral or religious principle. Whatever moral or religious precepts were recognised, they incorporated into their

*ad leonem.*" Tert. Apol. cap. L. "*Sed quædam sanctæ feminæ tempore persecutionis, ut insectatores suæ pudictæ divitavent in rapturum atque necaturum se fluvium procegerunt.*" August. De Civit., Dei, i. 26.

"*Fidelissimi quique servi contra vexabantur.*"

Lactantius, vol. ii. p. 214.

Paul also mentions slaves as having been baptized. 1 Cor. xii. 13. Yet, for all this, Christianity did not condemn the institution in itself, but only its abuse.

<sup>1</sup> Liv. x. 7, 9.

civil jurisprudence. Whatever responsibilities the moral law imposed upon them were exacted among their political duties. Moral aphorisms became their legal decalogue; the Roman students studied and committed the Twelve Tables with as much awe and veneration as we do the Ten Commandments. The dependence of the religious system upon the State began with the Greeks and was completed by the Romans.<sup>1</sup> Hence the State was the theologian. It had too much reverence for ancient customs and names, to change those of the gods whom the Latins, the Sabines, or Etruscans had brought with them to Rome, in days of old. But it was the province of the State to define the nature of those divinities, and to appoint and regulate the ceremonies by which they should be honored.<sup>2</sup> "To keep up these rights" (was the assurance of the later Roman) "is to preserve the religion which was given to us by the gods themselves." "But let no one be allowed to have deities to himself;" nor let any one worship new gods unless adopted by the State.<sup>3</sup> The State was also the divinity; the personification of Rome as a goddess, enshrined in a magnificent temple, was no empty form. Reverence for this was the highest that a Roman could feel.

About half a century before the tribunate of Licinius, C., there occurred a year of great distress. An excessive heat and drought dried up the streams and parched the plains of the earth; soon a fearful disease, seizing first the cattle, then the herdsmen, spread wide through the country and city. In the extremity of suffering and distress to which the poorer class were reduced, they turned with new sacrifices to seek new deities. But the chief men of the city (as the historian called the authorities of the State), were offended at such a proceeding. Forthwith, therefore, were the *Ædiles* charged to see that none but the gods of Rome were worshipped, and none but the rites of Rome employed. "*Ne qui, nisi Romani dii ne quo alio mare quam patrio colerentur.*"<sup>4</sup>

The position of the priesthood is evident. The state was the theologian; the priests were its disciples. The State was the deity, the priests were its ministers, its worshippers.<sup>5</sup>

This perfect system of centralization in the religio-political systems of ancient Greece and Rome, this entire union, as we

<sup>1</sup> Montesquieu refers to Tatius and Numa, who, he says, "*Assuerverent les dieux a la politique.*"

<sup>2</sup> Plin. N. H. 2118. Liv. 45 : 16.

<sup>3</sup> Cic. De Legg. 1118 : 11.

<sup>4</sup> Liv. iv. xxx. Comp. Id. iv : i. : xi : xxxix.

<sup>5</sup> Doum. Etudes Hist. tom. 13, p. 434.

should say of church and State, rendered their religion and civil government, mutually dependent upon each other.

The sublime doctrine of a future state of rewards and punishments was little heeded, and had but little influence over the religious feeling of those nations. The *summum bonum* of mortal was their temporal aggrandizement; the highest spirit of devotion was devotion to the State. "Let the republic receive no detriment," was the national motto. Whatever influence their superstitions had, it was all wedded to the good of the State; religion had no other calling than as an instrument of civil power; its final end was the prowess of their arms and the patriotism and power of the nation. For this purpose, all religious rites and ceremonies were held in the most superstitious awe and veneration. It pervaded the entire mass in all their daily walks and conversation. "Wherever thou turnest," said the great Roman orator, "this superstition pursues you in the forum as in the field, in the senate as in the Campus Martius; whether thou listenest to a soothsayer, or observest an augury, whatever happens it is the same."<sup>1</sup>

At the promulgation of Christianity under the sway of universal heathenism, how far had old things passed away and all things become new?

The rise of the star of Bethlehem was like the light of another morn risen on mid-day; it eclipsed all ancient systems of religion, law, and refinement, in all things spiritual and divine. The Mosaic covenant was but for the deliverance of a single nation from temporal bondage, to establish them within the borders of the promised land, and give them a constitution and system of government according to the provisions of the "Old Testament." But the gospel dispensation was something beyond—a new bequest to *all* nations, appended, as it were, in a codicil to the previous revelations of the "Divine will."

The coming of the Son of Man, then, was not to destroy or "abolish the law, but that the law through him might be fulfilled." His "kingdom was not of this world;" his reign was not that of a temporal prince clothed either with executive, legislative, or judicial authority.

He came rather to be a new teacher of "the truth and the way;" to bring "life and immortality to light;" to proclaim the great doctrine of salvation through faith, repentance, and the forgiveness of sin. How, then, could he fulfil the object of his mission without coming in collision with the laws and insti-

<sup>1</sup> Cic. De Divin., xi : lxxii.

tutions of civil government? He came to establish a new religion for all nations; to ransom the world, not from temporal captivity, but from "the gall of bitterness and the bonds of iniquity;" to bring the whole earth to the light and knowledge of "the one living and true God;" and to proclaim one common Redeemer for all mankind. He wielded a spiritual sceptre, that shook the throne of polytheism to its centre; pagan rulers and Jewish officers met him at the threshold of his labors, to protect the sanctity of their synagogues, to avert the impending sacrilege of their gods, to uphold their national rites, and defend their national religion. The whole conflict of faith and unbelief during the first centuries of the Christian era, was a constant warfare upon the institutions of civil government. It was a protracted siege to break down "the middle wall of partition" between Christianity and heathenism; to overturn the great Bastille of idolatry, which rested its foundation upon the basement of civil government. Christianity first drew the proper line of distinction, in matters pertaining to religion and government, between things temporal and things eternal; between what belonged "to Cæsar, and what belonged to God." Hitherto, all governments had been ecclesiastico-political, in which religion and politics mutually supported each other, and were inseparably blended together. Christianity first severed the bonds, and effected the dissolution of this union of pagan and Jewish Church and State. Judaism, like Samson, was shorn of its locks, the sons of Israel were no longer the only chosen people, nor the priesthood of Aaron the everlasting keepers of the oracles of truth. The still small voice of Christianity was simple as the language of a child, yet it pleased the most fastidious taste; mournful as the voice of grief, it sounded the highest notes of exultation; secret and silent as the reproofs of conscience, it proclaimed its truths upon the mountain tops. The last hope of the destitute and dying, it sealed the bridal vow and crowned the majesty of kings. Bright and glorious as the morning star to the benighted traveller, it rolled its terrors like the dark waves of the deluge over the path of him who wilfully mistakes his way. It hymned the last vestiges of time, and unveiled the dark mysteries of eternity.

Heathenism, with all its pomp, waned before it like a summer cloud before "the voice of the morning." Her priests soon sprinkled her shrines with the blood of the Lamb; from her pagan altars arose the smoke of Christian incense, and be-



neath the vaulted roofs of her temples echoed the praises of the living God.

Christianity, in her triumphs over civil and religious despotism, first emancipated the spiritual existence of man from the thralldom of temporal power, and elevated him into regions of truth and freedom, in a higher and more ample field of being; and thus it placed spiritual and intellectual liberty and excellence upon the true theory of their advancement. Art, science, literature and learning sprang up in her footsteps; freedom and the highest mental and spiritual excellence flourished henceforth under the van of her sacred influence. But Christianity originated in a Roman province; a Roman emperor sat in the chair of State, and a Roman court wielded its secular and social influence over the manners and customs of the inhabitants. "It was the home of Roman luxury, of gaiety and of joy, where royalty drowned itself in dissipation, where the lion roared o'er the martyred Christian, and the bleeding gladiator died at the beck of the applauding multitude." It was the ancient land of promise; "a goodly land of fields and vineyards," and "flowing with milk and honey." It was the garden-spot of the world, fruitful in all the products of Roman industry. Doubtless many of those large predial estates peculiar to the agricultural pursuits of the Romans, had been established through the country, and peopled with multitudes of Roman slaves. Of the position and treatment of these slaves the founder of the Christian religion must have been constantly observant. His entire biography, and the whole history of his mission, show that he was in constant intercourse, and thoroughly acquainted with the trials and duties incident to a state of bondage, or the relation of master and slave, and the accustomed government and regulations of that institution. Many of the duties and relations appertaining to it are freely intermingled in his parables; most of the metaphors and other figures by which he illustrates his doctrines and enforces his precepts, are taken from it.

Of the many instances of the kind that occur in the New Testament, we shall refer to but few. The first and fundamental doctrine of Christianity as set forth in the Gospel, is prefigured from a state of Hebrew, Greek or Roman slavery. It sets forth the world as "*sold* under sin,"<sup>1</sup> "*into the gall of bitterness and the bonds of iniquity*;"<sup>2</sup> the atonement as made to pay the *price* of their redemption; to *emancipate*

<sup>1</sup> Rom. 7 : 14.

<sup>2</sup> Acts 8 : 23.

them "from the bondage of sin and corruption into the glorious *liberty* of the children of God."<sup>1</sup> "Ye shall know the truth, and the truth shall make you *free*."<sup>2</sup> "Where the spirit of the Lord is, there is liberty."<sup>3</sup> "For, brethren, ye have been called unto *liberty*."<sup>4</sup> "Stand fast, therefore, in the *liberty* wherewith Christ hath made us *free*, and be not again entangled in the yoke of *bondage*."<sup>5</sup> "For ye are *bought* with a *price*."<sup>6</sup>

These, and a thousand other similar figures and expressions in the New Testament, that in a literal sense have relation only to a state of slavery, show the perfect knowledge and familiarity of the inspired penmen with the institution at the time and place when they wrote.

But in using these figures of speech they only imitated the style and manner of him "who spake as never man spake." "And ye shall know the truth, and the truth shall make you *free*."<sup>7</sup> "The disciple is not above his *master*, nor the [δουλος] servant above his lord."<sup>8</sup> "No servant [οἰκετης, house slave] can [δουλευειν] serve [or be a slave to] two masters,"<sup>9</sup> &c. "How many hired servants [μισθιου] of my father's have bread enough and to spare." "Make me as one of thy hired servants."<sup>10</sup> "And sent his servant [δουλον, slave] at supper-time to say to them that were bidden, Come,"<sup>11</sup> &c. "And he sent forth his servants [δουλους, slaves] to call them that were bidden to the wedding,"<sup>12</sup> &c. "Who is that faithful and wise steward [δουλος, slave] whom his master had made ruler over his household, to give them their portion of meat in due season?"<sup>13</sup> "But which of you, having a servant [δουλος, slave] ploughing in the field or feeding cattle, will say unto him, by and by when he is come from the field, Go and sit down to meat? And will not rather say unto him, Make ready wherewith I may sup, and gird thyself and serve me till I have eaten and drunken, and afterwards thou shalt eat and drink? Doth he thank that servant [δουλος, slave] because he did the things that were commanded him? I trow not."<sup>14</sup> "For I am a man under authority, having soldiers under me: and I

<sup>1</sup> Rom. 8 : 21.

<sup>2</sup> John 8 : 32.

<sup>3</sup> 1 Pet. 2 : 16.

<sup>4</sup> Gal. 5 : 13.

<sup>5</sup> Gal. 5 : 1.

<sup>6</sup> 1 Cor. 6 : 20.

<sup>7</sup> John 8 : 32.

<sup>8</sup> Matt. 10 : 24. John 13 : 16; 15 : 20.

<sup>9</sup> Luke 16 : 13.

<sup>10</sup> Luke 15 : 17-21. It will be noticed that the prodigal son was not willing to become a δουλος or οἰκετης, a bond slave, like Onesimus, but rather a μισθιος, hired servant.

<sup>11</sup> Luke 14 : 17.

<sup>12</sup> Matt. 22 : 3.

<sup>13</sup> Matt. 24 : 45.

<sup>14</sup> Luke 17 : 7-10.

say to this man, Go, and he goeth; and to another, Come, and he cometh; and to my servant [*δουλος*, slave], Do this, and he doeth it."<sup>1</sup>

These incidents show that the Great Teacher of charity, love and good will to men, encountered these scenes of domestic relations, in their various forms, constantly in his daily walks and conversation; and that he cherished a social and most affable familiarity with all the circumstances and conditions appertaining to the same, by using all its epithets, terms and expressions in his figures and illustrations as familiarly (if we may be allowed the expression) as the school-boy does his by-word.

Had he considered it the great moral and political evil that some of his modern disciples have held it up to be, is it possible that during his whole ministry, while he preached encouragement and comfort to the masters and healed their sick, that there should have never one word of censure or shade of reflec-

<sup>1</sup> Matt. 8: 9. "And he sent his servant," &c. This figure is taken from the Roman custom of sending out invitations by slaves to their guests, and of dispatching them to escort and usher in or announce the individuals as they arrived. "Piso had ordered his slaves never to speak about anything except when asked. On one occasion he had invited Cladius to a banquet. The guests all arrived but Claudius. Piso repeatedly sent his slave, who had carried the invitation, to look if he was coming. At last he asked him whether he was sure that he invited him. Quite sure, was the reply. Why does he not come, then? inquired Piso. Because he declined the invitation, was the reply of the slave. And why didn't you tell me before? Because you did not ask me, replied the slave." See Essay on Greek Slavery, supra, p. 57. There were the regular *servi ab officio admissionum*. Cicero, by way of complaint of the partiality of these servants toward their favorites, says: "Hic cum venit, extra ordinem vocatur; hic solus introducitur, ceteri sæpe frugalissimi homines excluduntur." From which it would seem that visitors should be admitted according to their arrival. Cic. Verr. iii. iv. "Who is that faithful steward," &c. This figure, also, has a direct reference to a custom peculiar to Roman slavery. There was always a principal steward, that had the control of the household affairs of the Roman family, called the "*procurator*." See Essay on Roman Slavery, supra, p. 85. Cic. De Or. I, 58. Si mandandum aliquid procuratore de agricultura aut imperandum villicio sit. Ad Attic. 14, 16. See Petron. 30. Sen. Epist. 14. Quint. Decl. 345. (Familiam per procuratores continetis): nihil scire potui de domesticis rebus, de quibus acerbissime afflictor, quod qui eas dispensavit, neque adest istic, neque ubi terrarum sit scio (Cic. Ad Attic. xi. 1): meaning that he never knew where to find the procurator or steward. He was also called the "*dispensator*," which is used in the Vulgate. Suet. Galb. 12. Mart. 5, 42. Juv. 1, 91; 7, 219. The centurion, too, was a Roman slaveholder; yet he "had not found so great faith, no, not in Israel." So was the young man whom he commanded to sell all that he had; "for he had great possessions."

tion escaped from his lips. Yet search his whole history from the moment when he stood upon the banks of Jordan, to the time of his arrest in the garden of Gethsemane, and there is not one breath of reproof to the kind and humane master, not one sigh of sympathy for the condition of the slave. Is that "speaking after the manner of men" to draw figures and illustrations in an approving mood from the most abhorred forms of vice and immorality? From the instance of the servant who waited and served his master at supper, something more may be gathered than the fact of the familiarity of the author with the position and duties of slaves. The figure loses all its beauty and force, and the illustration all its effect, unless it carries with it a distinct and positive recognition of the fact that the servant in obeying, had done only his duty and was entitled to no gratitude from his master.

What thus silenced the voice of Christianity upon the giant sin, that, at that time, held in its serpent folds, sixty millions of people within the pale of the Roman Empire? Was it the paltry fear of being considered pragmatism in matters of civil government? To accuse Christianity of such tergiversation, of taking refuge behind temporal expedients to compromise the truth, of pandering to popular error and moral obliquity, of truckling to a high-handed sin against God (if such it was), to my mind is derogatory to the high and holy standard of Christian rectitude. And the scripture itself spurns such a craven apology for divine consistency. The prevalence of Christianity brooks no such compromises, promises no such results. "Think not that I am come to send peace on earth, I came not to send peace but a sword." He came then to pull down the strongholds of sin, to overthrow iniquity in high places. Whether he encountered the regal forms of the old Jewish dynasty, or the more potent dictates of the throne of Cæsar, both felt alike the terrible visitations of his power. Upon the mount and in the cities, in the synagogues and by the way, he pursued the same high and consistent course as to everything just and right, and the same undeviating averseness to every appearance of evil. Setting forth the illustrious example that "neither principalities nor power, nor height nor depth, nor things present nor things to come, could separate him from the love of the Father," nor deter him from declaring "the whole council of God," he taught his disciples "to cry aloud and spare not, to lift up thy voice like a trumpet and show my people their transgressions, and the house of Israel their sins." The primeval abettors of the Christian religion failed not "to prepare the way of the

coming of the Lord, and to make his path straight," to denounce vice in all its forms, whether public or private; to "let their light so shine that others might see their good works;" to indicate and uphold Christianity in all its moral and religious teachings. Had they yielded a peaceful submission to the arbitrary dictates of "the powers that be," *in toto*, their doctrines and tenets could never have got the first foothold upon the face of the earth. There are but few instances in which the Saviour himself was called upon to express an opinion directly upon any of the legal questions of the day in which he lived.

To pass over the charge which the Jews brought against him of violating the first great commandment of the Mosaic Law, by making himself God; we will notice some instances of an inferior grade, and of a municipal character. The first is his opinion upon the form of a Jewish oath: "Again ye have heard that it hath been said of them of old time, thou shalt not forswear thyself, but shall perform unto the Lord thine oaths." "But I say unto you, swear not at all;" "But let your communications be Yea, yea, and Nay, nay," "For whatsoever is more than these cometh of evil."<sup>1</sup> Had the author of this passage been clothed with the legislative authority of Moses as a profane lawgiver, it would be construed into an absolute abrogation of the prevailing form of a civil and judicial oath, and a positive direction as to what form should be observed.<sup>2</sup> With the theological construction of this paragraph, as well as the following ones which we shall notice upon this point, we have nothing to do. But if it was to be taken as the paramount law of the land in a civil sense, here was a direct interference with civil government in one of the most important principles that enter into the organization of society. Upon the responsibility and sacred character of an oath, depends the safety of the life, liberty and property of mankind. And the form has ever been cherished with the most sacred awe and veneration.<sup>3</sup> But the

<sup>1</sup> Matt. 5 : 35.

<sup>2</sup> The form of the Jewish oath was to "swear by the Lord God of heaven and earth," Gen. 14 : 3; to "lift up the hand unto the Lord the most high God," &c. Gen. 14 : 22. Deut. 6 : 13. Jos. 2 : 12. 1. Sam. 24 : 21.

<sup>3</sup> An oath among all nations has ever been held sacred, as an appeal to some superior being by way of imprecation of divine vengeance upon the affiant, should he not speak the truth. Among the Greeks there was always used the expressions *ὅρκω Ζεὺς*, *θεὸν μαρτυροῦμαι*, and those of a similar import, in the taking of oaths. Soph. Trach. 399. Antiq. 184. St. Paul Galat. 1 : 20. The Greeks were as a nation deeply imbued with religious

reason of the scripture here assigned for the modification is, that the affiant or witness is at all times under all possible obligations to speak the truth, "and whatsoever is more than this cometh of evil." To call high heaven to witness, is to take the name of the Lord in vain. The reason is predicated upon a conflict between the civil and the moral law. And the truest and governing principle, I apprehend, in all instances, of the interference of Christianity with civil government will be found to be the conflict of the latter with some well established moral or religious principle which it could not consistently countenance.

Again, "Ye have heard that it hath been said, an eye for an eye and a tooth for a tooth;" "But I say unto you, resist not evil." In this instance the penal statute of Moses upon the subject of maiming is the subject of this remark; the penalty founded upon the *lex talionis*, was inconsistent with the heavenly injunction to love your enemies, and the cardinal virtues of Christian morality. What could constitute a more direct and positive interference with the institutions of civil government than those foregoing strictures upon the forms and penal codes of both the Roman and Jewish law?

Again, upon the subject of divorce, there are positive injunctions as the elements of Christian duty, that are diametrically feeling, and paid high regard to the sanctity of an oath. They prided themselves in being superior to the barbarians in this respect; all their treaties of peace, vows, alliances, compacts, and agreements between nations and individuals were ratified by an oath. (Smith's Greek and Rom. Antiqs. Art. Oath.) The practice of swearing, or calling upon the gods to witness the truth asserted, was as common among the Romans as among the Greeks. Various expressions were used, as follows: *Hercle*, or *Mehercle*; *Pol*, *Perpol*, or *Edepol*, *i. e.*, by Pollux; also, *per Gaven*, *Lupidem*, *per Superas*; *per Deos Immortales*, &c. The women never swore by *Hercules*, nor the men by *Castor*. False swearing was not regarded by the Romans as by us; the culprit was responsible to the deity alone. (Oper. Cit.)

"Our law," says Mr. Phillips (after giving his reasons), "therefore, like most other civilized countries, requires the witness to believe that there is a God, and a future state of rewards and punishments." (I. Phil. Ev. p. 21.)

"The very nature of an oath, it being a religious and most solemn appeal to God, as the judge of all men, presupposes that the witness believes in his existence," &c. Tyler on Oaths, p. 15. Granl. Ev. 1. sect. 368. The proper question to ask a witness is whether he believes in a God, the obligations of an oath, and the future state of rewards and punishments." Bull N. P. 297. Gilbert Ev. 129. Rose. Do. Criml. 118. Wheel. A. C. L. 210. Jackson vs. Geidly, 18. John. 103. Cou. Rep. 431. Curtis vs. Strong, 4. Day. 51. Wakefield vs. Ross, 5. Mason, C. E. Rep. 16. White's case 1. Leach, 439.

cally opposed to the lax and dissolute forms of both the Roman and Jewish law upon that subject.

"And the Pharisees came to him and asked him, Is it lawful for a man to put away his wife?" "And he answered and said unto them, What did Moses command you?"

"And they said Moses suffered to write a bill of divorcement, and to put her away."

"And Jesus answered and said unto them, For the hardness of your hearts he wrote you this precept." "But from the beginning of the creation God made them male and female."

"What therefore God has joined together let not man put asunder."<sup>1</sup>

In this terse and significant reply, a volume of practical truth is revealed. It directly endorses the great truth upon which civil government is founded, that many things which are wrong in themselves must be tolerated as temporary expedients in consequence of the imperfections of human nature. "For the hardness of your hearts he wrote you this precept," or, in other words, such was the degenerate state of the moral and social sensibilities in the Jewish commonwealth at the time of writing the law, that such a provision was necessary. But in the primeval state of purity and holiness in which man was created, "in the beginning it was not so." And as I now command you to be "holy even as I am holy," and to render the existing state of society what it should be rather than what it really is; therefore, "what God has joined together let not man put asunder."

By this solemn injunction the principles of both the Roman and the Mosaic law are directly contravened, on the ground that they are incompatible with the high and holy standard of Christian rectitude, under the light of the New Testament.

<sup>1</sup> Both by the Jewish and Roman law a voluntary separation might take place between married persons. Matt. 5 : 31, 32. Deut. 24 : 2.

In Greece voluntary separations were also of frequent occurrence, unaccompanied by any formalities; the husband rejects the wife, *εκπέμπει*, as the wife leaves the husband, *ἀπολείπει*. Plato, Leg. vi. p. 714; xi. p. 930. In Rome voluntary divorces became quite common after the Punic Wars. Val. Max. vi., out of many, selects three examples of this kind, that of Sulpulius Gallus, who *uxorem demisit, quod cum capite apud focis versatam cognovecat*. Second, Q. Antistius Vetus, quod illum in publico cum quadam libertina vulgari secreto loquentem videret. Third, of P. Sempronius Saphus qui conjugem repudii noto affectu, nihil aliud quam se ignorante ludos ausam spectare. The formula of separation either by mutual consent, or by the desire of one of the parties, as given in the Twelve Tables, was "*Tuas res tibi habeto*." This applied to the men as well as to the women. Cic. Phil. ii. 28. Plaut. Amph. iii. 2 : 27.

To regulate the institution of marriage; to prescribe the forms of civil and judicial oaths, and to punish crimes and offences, have been, and are still, a part of the municipal laws of all nations; they are founded upon the institutions of civil government, and constitute the most vital principles that enter into the organization of society.

Can there be any plausible reason assigned, why He, who taught obedience to the law, should have pointed out and inhibited the foregoing inconsistencies of its conflict with Christianity, and have omitted that of its permission to purchase and hold slaves, if that was also wrong? If the fears of contravening the laws of the land would deter him in one instance, then why not in all? If that had been his rule, his answers upon all questions of civil law would have been as brief and decisive as that in relation to the tribute money: "Render to Cæsar the things that are Cæsar's," &c.

The precepts and doctrines taught by the Apostles, and the transactions of the church from its commencement through the Apostolic age, down to a later period, should furnish a true index as to the estimate in which slavery was held by the author of Christianity.

First, what are the sentiments of the confidential friend and disciple of Jesus, on whom was bestowed the honor of laying the first foundation-stone in the new and glorious edifice of Christianity? Did he ever deviate so far from the example of his Divine master as to cast a censure upon the relation of master and slave?

"Servants (*οἰκεταί*, domestic slaves) be subject to your masters with all fear, not only to the good and gentle, but also to the froward," &c. (*ακαθάρτοι*, the unjust, cruel). Here we have not only a general precept with regard to the duties of obedience of servants to their masters, but there is even the Christian duty of forbearance and self-denial enjoined upon them, of obeying the peevish and unjust. "For this is thankworthy, if a man for conscience toward God endure grief and suffering, wrongfully." But why did not Peter tell them, when you are cruelly treated, it is your duty to run away? "We hear this," says a New England divine, "among us even preached from the pulpit, at present, almost every Sabbath, and proclaimed on all sides by journals called Christian or religious." It is fairly deducible from these remarks of the Apostle, as well as from the instance of the servant who served his master at supper, that obedience to the kind and humane master is but a reasonable duty.



This epistle of Peter was addressed "to the strangers scattered throughout Pontus, Galatia, Cappadocia, Asia, and Bithynia;" the principal slave countries then in the known world. And this was the doctrine that Peter preached to all the churches scattered through these vast ranges of country, at that time containing millions of slaves. I submit the problem to an ecclesiastical solution whether this epistle of Peter is not addressed to the strangers scattered through the Southern States of this Union as well as those countries above named, or have there been sent some later Apostles to prescribe the duties of the slaves of the United States?

Let us next listen to the language of St. Paul upon this important branch of Christian duty. "Servants (*δοῦλοι*, slaves) be obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of heart as unto Christ;" "not with eye-service, as men-pleasers; but as the servants of Christ, doing the will of God from the heart," &c. \* \* "And ye masters do the same thing unto them, forbearing threatening; knowing that your Master also is in heaven; neither is there respect of persons with him."

History informs us that through the various provinces of the Roman Empire there were frequent insurrections among the slaves; that they were, many of them, obtained from nations who wore the yoke with a strong feeling of restlessness and insubordination. Hence the frequent injunctions of Christianity upon them to be obedient and submissive, and the frequent appeals of the Apostles to them in various places to be reconciled to this condition. The passage we have just quoted is an appeal of Paul to the slaves at Ephesus, reminding them of their Christian duties to their masters and to their God. Here the slaves are exhorted to do their duty cheerfully and sincerely, as from the heart, and encouraged with the hope of reward, "Knowing that whatsoever good thing a man doeth the same shall he receive from the Lord, whether he be bond or free." According to the doctrine of this passage, how are slaves to do good? by a faithful and sincere obedience and service to their masters "as unto Christ," &c. Is not this the only honest and consistent inference that can be drawn from it? But the slaves in the church at Ephesus were not the only ones to whom Paul addressed this salutary counsel; to those at Colosse also he addressed the same language.<sup>1</sup> At the same time enjoining

<sup>1</sup> Coll. 3 : 22-25, and 4 : 1. It may be observed that Colosse was the place of residence of Philemon, whence Onesimus made his escape to

upon the "masters to give unto their servants that which is just and equal" (or equitable, more properly). The Greek word (*ἰσότης*) rendered in the text equal, means, it is true, when applicable to objects of sense, *equality*. But, in the moral or metaphysical sense in which it is here used, it must mean equity or equitable. For how could the masters be commanded to make their slaves equal to themselves, and the slaves at the same time be commanded to a thorough and sincere obedience to them with fear and trembling?

Such a construction as the abolition theologians sometimes put upon the English translation of this text, is absolutely preposterous, a perfect *felo de se*. Again, Paul instructed Timothy, whom he had ordained first bishop of the church of the Ephesians, to exhort the slaves there, as follows: "Let as many servants (*δοῦλοι*, slaves) as are under the yoke, count their own masters worthy of all honor, that the name of God and his doctrine be not blasphemed." "And they that have believing masters, let them not despise them because they are brethren; but rather do them service, because they are faithful and beloved partakers of the benefit. These things teach and exhort." "If any man teach otherwise, and consent not to wholesome words, even the words of our Lord Jesus Christ, and to the doctrine which is according to godliness, he is proud, knowing nothing."<sup>1</sup>

What is to be understood by the phrase "under the yoke" in the text? It is a literal and correct translation from the original, and means nothing more than as many as are in a state of bondage; the yoke means the yoke of bondage in contradistinction from a state of freedom. It is pretended by certain abolition theologians that the servants spoken of in the New Testament do not refer to that class of Greek, Roman, and Hebrew slaves of whom we read in profane history, and of whom we have spoken in our previous essays—but this point will be considered hereafter. "*Count their masters worthy of all honor*," &c. But how would this prevent the name and the doctrine of God from being blasphemed, unless the observance of it was a consistent Christian duty, that would stop the mouths of scoffers and blasphemers. "*And they that have believing masters let them not despise them, because they are*

Rome, where he met with Paul and was converted to the Christian religion, and sent back by Paul to his master; there were many slaves at Colosse.

<sup>1</sup> 1 Tim. 6 : 1–4. Ephesus was an ancient city of Ionia, originally a province of Greece, and inhabited by Grecian colonies.

*brethren*," &c. The English translations of the Greek phrase (μὴ καταφρονεῖτωσαν) above; scarcely conveys the full force of the meaning of the original; which seems to me to be something more than simply to despise or slight, or to treat with disrespect; and the Apostle seems to enjoin upon such slaves as have kind and Christian masters not to take advantage of their leniency and kindness to plot against them and excite insurrection and disturbance, because they are brethren; but rather serve them (*i. e.* be their slaves, δουλεύετωσαν); because they are beloved and faithful partakers of the benefit. The doctrine has taught us plainly that, in case the master and servant are both Christians, the latter is not on this ground to claim a release from his obligations as a slave, or to plot against his master to obtain it; *i. e.* because they are Christian brethren and one in Christ, it does not follow that their civil and social relations are changed. And such slaves are expressly prohibited from attempting to take any advantage of such a condition. It would seem from the language of the Apostle that a contrary doctrine had prevailed, that a notion had sprung up among some of the churches that slaves, on embracing the Christian religion, became free, especially if they belonged to unbelieving masters; a doctrine that has been entertained by even the civil jurisprudence of nations, in more modern times, to some extent.<sup>1</sup> Therefore, "*These things teach and exhort.*" "*And if any man teach otherwise,*" &c.

How do the modern abolition theologians and churchmen reconcile their consciences to this passage of Scripture? They are here plainly denounced by St. Paul as not consenting "to wholesome words, even the words of our Lord Jesus Christ, and to the doctrine which is according to godliness." "*He is proud, knowing nothing.*"

Paul enjoins the same upon Titus, whom he had ordained at Crete. "Exhort servants [δουλους, slaves] to be obedient to their own masters, and to please them well in all things not answering again;" "Not purloining, but showing all good fidelity; that they may adorn the doctrine of God our Saviour in all things."<sup>2</sup> Suppose some ardent abolition divine should be travelling at the South, and should be called upon (as is frequently the case) to preach to a congregation of slaves from

<sup>1</sup> In England, it was for a long time a mooted question whether a slave, by being baptized, was not emancipated from the power of his master, and great care was taken in the colonies to prevent them from being baptized. See Essay on Political Slavery, post, p. 293.

<sup>2</sup> Titus 2 : 9-10.

the above quoted text, what would be the character of his comment, and what would be his reflections as to their Christian duty derived from this passage of Scripture. How would he exhort them to "*adorn the doctrine of God our Saviour in all things?*" Would he adopt the language that Paul here dictates to Titus? Could he avoid it and preach the Gospel? "*If any man teach otherwise, &c. \* \* He is proud, knowing nothing.*"

The island of Crete, where Titus was located when this epistle was written to him, is famous in Grecian history for the laws and institutions that prevailed over it. It was the birth-place of Grecian slavery.<sup>1</sup>

By the language of this passage, servants are required to "please their masters well in all things;" *i. e.* to show a ready and cheerful obedience (*μη ἀντιλέγοιτας*); not disputing with their masters, or gainsaying their commands.<sup>2</sup> Here slaves are told that they can adorn the doctrine of God our Saviour as really and truly as their masters, or as nobles, princes, and kings. But how can they do it? by disobedience, theft, running away, and the like?

The same doctrine is reiterated in Paul's Epistle to the church at Corinth. "Let every man abide in the same calling wherein he was called." "Art thou called being [as to be] a servant [*δοῦλος*, slave], care not for it [*μελετω*, be not concerned about it]; but if thou mayest be made free, use it rather." "For he that is called in the Lord, being [or to be] a servant [*δοῦλος*, slave] is the Lord's freeman" [or rather freedman]; likewise also he that is called, being free, is Christ's servant.<sup>2</sup>

What, then, becomes of the assertion of the abolitionists, that slavery cuts off the slave from all hope of salvation by denying him all religious privileges and the like? It seems to me that there could not be a more perfect refutation of all the eternal din and commotion even in abolition pulpits about the present and future welfare of the slave. If the slaves themselves need not be solicitous about their condition, except to discharge their duties faithfully to their masters, whence cometh all the uproar and confusion of the abolitionists but from the

<sup>1</sup> See Essay on Greek Slavery, *supra*, p. 55. Laws of Minos, by Plato and Aristotle.

<sup>2</sup> 1 Cor. 7 : 20-24. Corinth was one of the chief slave-markets of Greece and afterwards of Rome, where thousands were bought and sold daily. See Essay on Greek and Roman Slavery, *supra*, p. 55. Timæus asserts that Corinth had, in early times, before Athens had reached her supremacy, 460,000 slaves. They were called *chœnix* measures, from a Greek measure which they used.

father of lies? Verily, "a disciple is not above his master." "But if thou mayest be made free, use it rather." This language shows beyond dispute to what condition of servants these remarks are addressed; if the servant was not in bondage, such language would be inapplicable to his condition; he could not be said to be made free if he was already so. "*Use it rather;*" use what? There has been much controversy among commentators about the true meaning of this passage. The original is, ἀλλ' εἰ καὶ δύνασαι ἐλεύθερος γενεσθαί, μαλλον χρησαί, literally, "But even if you are able to become free, rather desire." It will be seen by the Greek scholar that some noun must be supplied as the object of the verb *χρησαί*. The question is, what noun it shall be; or, in other words, what does the *it* in the English relate to. The late Moses Stewart, of Andover Theological Seminary, in remarking upon this passage, used the following language: "One and all, the native Greek commentators in the early ages, and many expositors in modern times, say that the Greek word to be supplied is δουλεία, slavery or bondage. The reason which they give for it is, that this is the only construction which can support the doctrine which the Apostle is aiming to establish, viz.: Let every man abide *in statu quo*." Even De Wette (who, for his high liberty notions, was banished from Germany), in his commentary on the passage, seems plainly to accede to the force of this reasoning, and with him many others have agreed. No man can look at the simple continuity of logic in the passage without feeling that there is force in the appeal. But still I am not satisfied with this exegesis. We have full surely another and different noun offered by the context, which we may supply. If thou canst become ἐλεύθερος (free), use ἐλευθερίαν (freedom), rather; *i. e.* rather than be a slave. This is certainly the most facile philology; although plainly not so congruous, at first sight, with the Apostle's sentiment before and after this verse.

"Let every one abide in the calling wherewith he hath been called;" this principle of Christian duty also dictated to Paul the course to pursue in the case of Onesimus; he was by the custom and laws of the times and place where he lived, a bond slave, and justly owed his service to his master, Philemon, at Colosse. Paul saw nothing incompatible with the Christian duties of either the master or the slave, in the legal relation that existed between them. He therefore commanded him to return and be obedient to him who was his "master according to the flesh;" *i. e.*, according to usages, customs, and laws of the world; and to serve him "with fear and trembling;" *i. e.*,

with a proper sense of reverence and respect for his position over him, "according to the flesh," or the ways of the world; "and to please him well in all things, not answering again;" "not with eye-service, as men-pleasers," "but doing the will of God from the heart;" "that he might thus adorn the doctrine of God our Saviour in all things."

It has been contended by abolition theologians, among whom is Dr. Barnes, in his Notes on the Gospels, that this interference of Paul's to restore the servant Onesimus to his owner, illustrates nothing with regard to his views and feelings upon the subject of the slavery of that age. It would appear from the Scripture account of this affair, that Onesimus had been a refractory and unprofitable slave of his master at Colosse; that he had then run away from him, and in his wanderings met with Paul at Rome, by whom he was converted to Christianity.

By this conversion Paul seemed to have faith that he had now become a faithful, obedient and profitable servant; "but now profitable to thee and to me." "Whom I would have retained with me," &c. "But without thy mind [*γνώμης*, consent] I do nothing." Evidently recognising the right of the master to control the person of the slave, and his own Christian duty not to detain him contrary to the will of his master, but to restore him to his lawful owner. "For perhaps he therefore departed for a season, that thou shouldest receive him for ever." By which language the apostle intimates that it might be a providential escape that Onesimus had thereby become a convert to the Christian faith, and would now return and be a faithful and profitable servant for life. "Not now as a servant, but above a servant [*δούλος*, slave], a brother, &c. This passage, it is conceded by all the most approved commentators, has reference only to religious privileges and the spiritual relation between them as a Christian brother, or brother in the church whom Paul had begotten in his bonds. The doctrine is here clearly taught:—1st. That all Christians are equal and on a level in that respect; Onesimus, the slave, on becoming a Christian is the apostle's son, and Philemon's brother. 2d. That Christianity makes no alteration in men's political status: "Let every one abide in the calling wherewith he hath been called," &c. Onesimus, the slave, did not become free by embracing Christianity, but rather remained in that condition; "that thou shouldest receive him forever." 3d. That slaves should not be taken and detained from their masters without their consent.<sup>1</sup>

<sup>1</sup> S. Macknight on the Epistles, pp. 496-499, N. Y. ed. 1850.

And 4th. That the value of slaves is greatly enhanced by their being converted to the Christian religion.

But these abolition theologians tell us that there is no evidence that Onesimus was a bond slave, owned and held to service by his master.<sup>1</sup> What then could have induced Paul to send him back to Philemon, and to write this most touching and sympathetic appeal to his compassion to forgive him the offence, and not inflict upon him that terrible punishment which the custom and laws of that time and place authorised him to do. And why did Onesimus feel it his duty, after his conversion, to return to and serve his master, if he did not belong to him? "If he owe thee anything," &c.; it is contended that this language, applied to Onesimus, would indicate a capacity for business transactions on his own account, and a higher rank than that of a bond slave. But this may refer to the loss of his services by running away; or it may relate to some transactions relative to the peculium or peculiar property of the slave.<sup>2</sup>

It will be noticed that the same word is used in the original to denote the class of persons to which Onesimus belonged, as is used by other writers to denote those that worked in chains in the mines of Laurion. In verse sixteenth, the word *δοῦλος* (slave) is used twice to denote the character of Onesimus; and in the postscript at the close of the epistle, the word *οἰκετης* (family slave) is used for the same purpose. The meaning of these words we shall explain more fully in the sequel: we simply remark here that Onesimus must have been a purchased slave, as distinguished from one born in his master's family or household, as such were called *οἰκοτριψ*, to distinguish them from the *οἰκετης*, or ordinary house slave.<sup>3</sup> Because the subject of this epistle was a person apparently considered of so much consequence, and was so much in the favor of Paul, many are disposed to believe that he could not

<sup>1</sup> See Barnes' Notes on this Epistle.

<sup>2</sup> Colosse was an ancient city of Phrygia, a Grecian province then subject to Roman power; either by the slave laws of Greece or Rome the slave had a right to his *peculium*, property acquired independent of his duty to his master. In some instances the Roman slaves attained to great wealth, and had many slaves under them termed *vicarii*. See Essay on Roman Slavery, sup. p. 69. In relation to this they might transact business, contract, owe, and have debts due to them. The same is true of the slaves of the present day, between whom and their masters, in many instances, regular book accounts are kept.

<sup>3</sup> *Οἰκοτριψ*, *δοῦλος οἰκογενης*. Lucidas. The *hoiketrips* is a slave born in the house or family; "*Οἰκοτριψ καὶ οἰκετης διαφερει*," &c., or the one means a slave born in the family, and the other a purchased slave.

have been a poor, oppressed, and down-trodden slave. But it must be remembered that there were in that age many slaves of high intellectual and literary attainment, many who even practised the learned professions, over whom their masters held the absolute ownership, even to the power of life and death.<sup>1</sup> Thus it is said that Plato and Diogenes were once sold into slavery, as the father of Virginia is said to have tasted the sweets of Turkish bondage. Paul pleaded for his Christian brother with all the earnestness and benevolent feelings that could avail to reach the sympathies of the human heart, to save him from that awful day of retribution that awaited him on his return. The example is often imitated by humane and benevolent persons of the present day. Philemon was a man of great wealth, and an officer of high rank in the church; he had, as was customary in that age, a numerous household of slaves: to suffer one to escape from him in that manner with impunity would have a deleterious influence upon the others.

The stern demands of justice must therefore be visited upon him. It was doubtless for this cause that Paul reasoned his case the more earnestly that, for Christianity's and mercy's sake, he might in this instance avert the relentless rigors of household discipline. How Onesimus fared on his return, we are nowhere informed; but doubtless in accordance with the anticipations of Paul, he was kindly received by his injured master, who even did more for him than his illustrious benefactors could ask. It has been contended that Paul in this noble instance of Christian benevolence was actuated by a paltry fear of the civil authorities; that to have detained Onesimus and harbored him from his master, would have subjected him to civil punishment. And thus they make Paul, as they would the Saviour, a dupe to moral obliquity through fear of offending Cæsar.

If Paul sought to avoid interfering with civil government, how dare he accuse the Romans of "turning the truth of God into a lie; and worshipping the creature more than the Creator"? This was laying the axe at the root of the tree, and sapping the very foundations of civil government.

The damsel that followed Paul and Silas from Thyatira was the slave of a Roman citizen, and brought her master great gain by her power of divination; "but Paul being grieved, commanded the unclean spirit to come out of her."<sup>2</sup> Here was an instance not only of a direct and positive interference

<sup>1</sup> See Essay on Roman Slavery, sup. p. 69.

<sup>2</sup> Acts 16 : 18.



with the civil institutions, but a great damage, as they deemed it, to private property; and for which the Apostle was arrested and thrown into prison. The act of Paul was, in effect, a condemnation of the custom or institution of soothsaying, which was established by law. For this the people complained that "these men do greatly trouble our city, and teach customs that are not **LAWFUL FOR US TO OBSERVE, BEING ROMANS.**"<sup>1</sup>

Now, why did Paul interfere with the institutions of civil government, in this instance, and teach customs that were not lawful for Romans to observe, rather than in the case of Onesimus? The answer of every honest mind is at hand; because the custom of divination was incompatible with the doctrines of the Christian religion, while the simple relation of master and slave was not.

A similar charge was brought against him by Demetrius the silversmith, who made silver for the shrine of Diana at Ephesus. He alleged that Paul had not only injured his business by turning away many from the worship of Diana (by saying that "there be no gods that are made with hands"), but that he had "caused the temple of the great goddess to be despised, which all Asia worshipped." And the assembly, when they heard this, being enraged, and considering their civil institutions in danger, to uphold them, and to exhibit and encourage unwavering devotion to the State, in their outbursts of popular enthusiasm, "cry out, Great is Diana of the Ephesians, for the space of about two hours."<sup>2</sup>

When Paul came to Athens, and began to dispute with the Epicureans and the Stoics about their idolatry, why did they take and bring him to the court of the Areopagus? Because, as they say, he was a setter forth of strange gods, a teacher of a religion which it was not lawful for them, being Athenians, to embrace; and they wished to have it determined by the proper tribunal whether such a heresy could be tolerated by the State.<sup>3</sup> The charge against him at Athens, as at Ephesus, was that of corrupting the national religion, of setting forth strange gods;

<sup>1</sup> Romans were compelled by law, as we have seen, to adhere to, uphold and defend their national religion. Acts 16 : 21.

<sup>2</sup> Acts 20 : 24. A national exclamation, similar in import to God save the Queen! Vive le Empereur! or Hail Columbia!

<sup>3</sup> The court of the Areopagus had special jurisdiction of all questions relative to the national religion, as connected with the worship of the gods; it was for this reason that Paul was commanded to explain his doctrines before this tribunal, that the same might be approved or condemned by the legitimate authority. See Smith's Greek and Roman Antiquities, N. Y. ed. 1854, p. 89, and authorities there cited.

the same charge for which Socrates was condemned to death. But how did the Apostle meet the charge before this august tribunal? Did he wink at the sin of idolatry, or smooth over its sinful customs, for fear of being pragmatical in matters of civil government? So far from it, he denounced them all, as he did the idolatry of the Romans, in the boldest and most unmeasured terms. "Ye men of Athens, I perceive that in all things ye are too superstitious," &c. At the same time that the Apostle uttered this denunciation against the national religion of Greece, there were from one hundred and fifty to two hundred thousand slaves in Athens and the harbors.<sup>1</sup> Had this been also a national sin in the estimation of the Apostle, why should he have passed it over in silence while denouncing the sin of idolatry? If the dread of offending the civil authorities would not deter him in one instance, then why in the other? The answer here, again, to every unprejudiced mind, must be obvious; the national religion of Greece and Rome was wholly incompatible with the doctrines of the Christian religion, and an insurmountable obstacle to the spread of the Gospel, while no such objection existed to the relation of master and servant.

Christianity might do its complete work in all its highest offices of the regeneration and sanctification of the world, and still leave all to "abide in the calling wherewith he had been called;" still leave the civil relation of master and slave unchanged. Its precepts of charity, love, and good will, in their highest and holiest sense of justice, equity, and Christian rectitude, are designed to perfect the nature of both master and slave, to secure the discharge of their reciprocal duties towards one another, rather than to dissolve the relation that exists between them. It has exhibited this truth in its history in a striking light, from the first foundation of the Church. It early commenced the work of reforming the institution, by ameliorating the asperity of its ancient rigors.

One of the earliest apostolical canons is in the following words: "*Servi in clerum non promœantur citra dominorum voluntate; hoc ipsum operatur redhibitionem. Si quando vero servus quoque gradu ecclesiastico dignus videatur, qualis noster Onesimus apparuit, et domini concenserint, manuque emiserint, et domo sua obligaverint efficitur.*"<sup>2</sup>

In the Epistle of Ignatius to Polycarp is the following:

<sup>1</sup> Boeck., *Public Economy of Athens*, vol. 1, p. 53. See Essay on Greek Slavery, *supra*, p. 61.

<sup>2</sup> See Canons of the Apostles, No. lxxxii.

“Overlook not the men and the maid-servants; neither let them be puffed up; but rather let them be the more subject to the glory of God, that they may obtain from Him a better liberation. Let them not desire to be set free at public cost, that they be not slaves to their own lusts.”<sup>1</sup> In the General Epistle of Barnabas we read as follows: “Thou shalt not be bitter in thy commands towards any of thy servants that trust in God, lest thou chance not to fear him who is over both; because he came not to call any with respect of persons, but whomsoever the spirit prepared.”<sup>2</sup> Though these passages all recognise the right of property, and the right of control of the master over his servant, yet they manifest a strong sympathy in behalf of the slaves.

After the establishment of Christianity under Constantine, slaves partook of all the ordinances of religion; and their birth or condition was no impediment, with the consent of their masters, to their rising to the highest dignities of the priesthood. At first it was required that a slave should be enfranchised before ordination; but Justinian declared the simple consent of the master to be sufficient. If a slave had been ordained without his master's knowledge, the latter might demand him within a year, and the slave fall back into his master's power. If a slave, after ordination with his master's consent, chose to renounce the ecclesiastical state and return to a secular life, he was given back as a slave to his master. It was common for the patrons of churches, till the fifth century, to encourage their slaves to become clergymen, that they, instead of strangers, might receive their benefices. If a Christian slave fell into the hands of a heathen master, the latter was prohibited from interfering with his spiritual concerns. Judaism was looked upon with such horror, that any Christian was entitled to force a Jewish master to sell him a Christian slave. The laws of the Christian emperors all tended to the amelioration of the condition of the slaves. Antonius empowered the judge who should be satisfied about a slave's complaint of ill-treatment, to force the master to sell him to another owner. The master's power of life and death over his slave was first sought to be legally abolished by Adrian and Antonius Pius. Constantine placed the wilful murder of a slave on a level with that of a freeman; and expressly included the case of a slave who died under punishment, unless it was inflicted with the usual instruments of correction. Adrian suppressed the Roman *ergastula*

<sup>1</sup> Epistle of Ignatius of Antioch to Polycarp, Smyrna, ch. 2.

<sup>2</sup> Epistle of Barnabas, chap. xiv., ver. 15.

or workhouse for the confinement of slaves. Several humane laws were enacted by Constantine in relation to the separation of families. One directs that property shall be so divided, "ut integra apud possessorem unumquemque servorum agnatio permaneat." Another law says: "ut integra apud successorem unumquemque servorum, vel calanorum ad scriptitiæ conditionis, seu inquilinorum proximorum agnatio, vel adfinitas permaneat."

A Christian church afforded very great safety from the wrath of unmerciful owners; for when a slave took refuge there, it became the duty of the ecclesiastics to intercede for him with his master, as Paul did for Onesimus with his master Philemon, and if his master refused to pardon him, they were bound not to give him up, but to let him live within the precincts of the sanctuary till he chose to depart, or till his master granted him forgiveness.<sup>1</sup> But at the same time it was enacted by the Ecclesiastical Council at Nice, in the year 325, when Constantine was emperor, "Si quis docet servum, pietatis prætextu, dominum contemnere, et a ministerio recedere, et non cum benevolentia et omni honore domino suo inservire, Anathema sit." "If any one, under pretence of piety, teaches a slave to despise his master and to withdraw from his service, and not to serve him with all good will and respect, Let him be Anathema."<sup>2</sup> In accordance with the example and the teachings of the Apostle Paul, there are several early canons of the Church upon that subject. As they are extremely lengthy, we shall submit the translation that illustrates the spirit of them all. It is a papal bull from Pope Gregory to the Prætor Sesquis.

*"Concerning Peter, the Servant who ran away.*

"Our son Occilianus, a highly respectable man, a tribune of the city of Otranto, brought with him to our cousin, as is known, when he was coming to us, a boy named Peter, a baker, who belonged to that cousin. We have now learned that he has run away and returned to your country. Let then it be

<sup>1</sup> De servis vero, qui pro qualibet culpâ ad ecclesiæ septa confugerint, &c., Can. xxii., Fifth Council of Orleans. An ancient method of claiming the benefit of clergy, and perhaps the origin of the custom in the common law of England.

<sup>2</sup> Can. xlvii., Third Council of Paris. This is strictly according to the teachings of Paul. "Let them that have believing masters not plot against them;" "These things teach and exhort, and whosoever shall teach otherwise," &c.

your care, experienced sir, before he shall be able to get back to Otranto, to direct, as quickly as you can, a writing to the bishop of Otranto, or to the aforesaid tribune himself, or to any one else whom you know that you can depute, to have a good care for the wife and children of the said slave, and to be very careful respecting himself, that as soon as he shall arrive he may be detained, and sent with everything that belongs to him by all means hither, embarking them on board a ship in the care of some faithful person.

“You, experienced sir, will therefore exert yourself to do this with all attention and effect, so as not to displease us with a delay, or neglect, which we should not desire.”<sup>1</sup>

It was enacted early after the conversion of Constantine that no one who was not a Christian should hold a Christian slave, upon the principle of the Jewish law contained in Lev. xxv : 47, 48.<sup>2</sup>

This was first adopted as a principle of the civil or municipal law, but was soon after incorporated into the body of the canon law. Canon xxx. of the Fourth Council of Orleans, reads as follows, in the translation : “Whereas it has been decreed by former canons, respecting the Christian slaves that are under the Jews, that if they should fly to the church, or even to any Christians, and demand their redemption, and be unwilling to serve the Jews, they should be freed from their owners upon a fair price being assessed by the faithful and tendered to them ; we therefore enact that this so just a regulation shall be observed by all Catholics.”

Throughout the whole history of the transactions of the Church, from its first formation, there will be found the most scrupulous observance of the right of property in the master to the service and the control of the person of the slave. In all instances of civil and ecclesiastical legislation to ameliorate his condition, the great principle laid down by Paul and the

<sup>1</sup> GREGORIUS SERGIO DEFENSORI. *De Petro puero fuga lapsa.*

Filius noster vir magnificus Occilianus, tribunus Hydruntinæ Civitatis, &c. Canons of the Church, Lib. vii. indic. ii. epist. 107.

<sup>2</sup> Civil Code, Lib. i. Tit. 10. Judæus servum Christianum nec comparare debebit, ne largitatis aut alio quocunque titulo consequatur.” Again, “non solum mancipii damno mulctetur, verum etiam capitali sententia puniatur.” Not only shall he be mulcted by the loss of the slave, but he shall be punished by a capital sentence. Again, “Græcus, seu paganus, et Judæus, et Samaritanus, et alius hæreticus, id est, non existens orthodoxus, non potest Christianum mancipium habere.” A Greek or pagan, a Jew, a Samaritan, and any heretic that is not orthodox, cannot hold a Christian slave.

Apostles that Christianity did not change the civil relations of master and slave, but left each to "abide in the calling wherewith he had been called," was never lost sight of. Even the blaspheming Jew could not be deprived of his property in a Christian slave without an adequate compensation. Is the Church now more holy than in the pristine days of the Apostles?<sup>1</sup>

*History of the word Slave, in Scripture use.*

But it is stated that the word *slave* does not occur in the Bible. This, however, is a mistake with reference to King James' Translation of the New Testament. In that version of the Revelation of St. John, the learned commissioners rendered the last clause of the 13th verse of the 18th chapter, "*and the slaves and the souls of men.*" The writer of this passage was enumerating the several articles of merchandize usually bought and sold at Babylon; he mentions the merchandize "of beasts, and sheep, and horses, and chariots, and *slaves, and souls of men.*" Supplying the Greek word *γομορ* where it is properly understood, the original reads thus, *καὶ γομορ σωματῶν, καὶ ψυχῶν ἀνθρώπων*, literally, *and the merchandize of the bodies and the souls of men.* There is no conceivable reason why the making merchandize of the bodies and souls of men at ancient Babylon, should render them slaves, more than at Jerusalem, or Tyre, Sidon, Corinth, Delos, Athens, Rome, or any one of the slave markets of the Roman Empire. Doubtless the permission given to the Jews by the statutes of Moses to "buy their bondmen and bondmaids of the heathen round about them," included the market at Babylon as well as others; yet the learned seventy of the Alexandrine school of critics, in translating that statute into Greek, rendered the bondmen and bondmaids so to be purchased, by *δοῦλους καὶ δούλας*,<sup>2</sup> meaning

<sup>1</sup> Upon the subject of slavery in the New Testament, we have consulted most of the current commentators of the day. Upon the subject of Canon Law and Civil Law, upon this subject during the early centuries of the Christian Era, we have examined the different codes of the Roman law, including the Theodosian and Justinian; also the Digest and Novles, which properly constitute a part of the jurisprudence of Louisiana. Also several volumes of the Canon Law, Bishop England's Letters, Bower's Lives of the Popes, Lingard, Antiquities of Italy, Muratori, Gihon, and others. There may also be found a very well selected and convenient compilation of these transactions of the Church, in the work of John Fletcher. *Studies on Slavery*. Study iv. p. 246, 1852, Natchez ed.

<sup>2</sup> Sept. Liv. 25 : 44. In Ezek. 27 : 13, this same Oriental slave trade is alluded to.

slaves bought with money; the same words which the English translators have rendered male and female, or maid, servants, universally throughout the Scriptures. So also in the family of Abraham those slaves bought with his money are properly called *δουλοί*.<sup>1</sup> In Joshua and in Judges the same word is used in the Greek;<sup>2</sup> meaning, in the former, those slaves "cursed to be hewers of wood and drawers of water;" and in the latter the slaves of Gideon, which were either captives or "bought with his money." In other instances this word and a variety of its derivations are used in the Septuagint in a similar sense. If then the Greek word *δουλος*, in its primitive and literal signification means what we understand by the word slave, a person that belongs to another in a certain sense, as a piece of property or merchandize, as defined by Aristotle and used by all the Greek authors, why did the learned translators of King James' version of the Bible universally render that word by the English word *servant*, and yet use the term slave in the passage in Revelation? or to put the question in a different form, why does not the word *slave* occur more frequently in the present English version of the Bible?

This question we have partially promised to attempt to answer, and we submit the following as our only conceivable reason. The history of the English word slave, and the manner in which it came into legitimate use, furnishes the only explanation of the mystery. The legitimate use of this word in the English must be of comparatively modern date. It first originated with the French in the eighth or ninth century, and was used as a term of reproach to degrade the miserable race of Slavonian captives in the eyes of their Norman lords.<sup>3</sup> It is a well-known fact, in the history of the English tongue, that the strength, purity, and beauty of the Anglo-Saxon dialect never became corrupted by the use of the Norman French idioms, words, and phrases, till after the intermingling of the French and English people subsequent to the Norman conquest, in the year 1066. This word, then, which was originally ap-

<sup>1</sup> Gen. 17 : 12, 27. Exod. 12 : 44.

<sup>2</sup> Josh. 9 : 23. Judges 6 : 27. Sept.

<sup>3</sup> From the Euxine to the Adriatic, in the condition of captives, subjects, or allies, the Slavonians overspread the land, and the national appellation of "*slaves*" has been degraded by chance or malice from the signification of what is glorious to that of servitude.

"This conversion," he says, "seems to have arisen with the French in the eighth century, where the princes and bishops were rich in Slavonian captives, from whence the word extended to gradual use in all the modern languages." Gib. Dec. and F. R. E., vol. 4, p. 38.

plied to the Slavonian captives as a stigma in terms of reproach, a kind of nickname invented, as Gibbon says, by accident or malice, and used only in a bad sense, the same as *Helot* was applied to Spartan slaves, would, like the Norman manners and customs, be reluctantly received, and be a long time in working its way into legitimate use by the English. It would not, therefore, be readily adopted into the high and holy standard of Scripture phraseology. But the Anglo-Saxons read the Bible in their own tongue long before the days of Alfred. They had the versions of Adhelm Aebert, of Bede, and of Alfred himself. In 1319, Richard — translated portions of the Bible. Soon after came the translations of the New Testament by John Wickliff, copies of which are still extant. Next came Tyndal's Bible, revised by Mathews, 1537, known as the Bishop's Bible. The Bible, however, as such, was re-organized and read only in the Latin till a comparatively short time previous to the publication of the royal version of King James. The vulgate and the Bishop's Bible had been by a royal order a short time previously submitted to the option of the clergy and the people, and to lay side by side in the churches and monasteries. A halo of superstitious veneration had so enshrined this Latin text of St. Jerome in the heads and memories of the church at that day, that it is with reluctance given up by the priests even at the present time. To suit the whimsical notions of the age, great deference would naturally be paid to the Latin Bible, and great care taken in all previous and subsequent versions to preserve all the names and terms there with as little alteration as possible. This, it appears, had been partially done to suit the fantastical notions of the laymen and the clergy in the version known as the Bishop's Bible. Therefore, King James enjoined upon the commissioners, which he held appointed to prepare the present English version of the Bible, the following instructions: 1st. The Bible, commonly read in the churches, known as the Bishop's Bible, should be altered as little as possible. 2d. All the old and venerable Scripture names to be kept sacred according to all Scripture usage. 3d. All ecclesiastical words to be retained. 4th. When any word had several significations, that which had been most commonly used by the most celebrated Christian Fathers should be preferred.<sup>1</sup> It would have been impossible for the modern word *slave* to have been used in any versions of the Scriptures during the Danish or Anglo-Saxon period of the

<sup>1</sup> Robinson's Calmet, Art. Bible, p. 182.



English tongue. It is a Norman French word, and slavery found its way into the English as the manners and customs of that people did into England. This word, then, converted, through malice by the Normans, from what is illustrious and noble to what is base, to degrade their captives in the eyes of freemen, and used only in a bad sense, could not have partaken of that sacred and venerable character essential to a Scripture term, or as are used by the most celebrated and venerable Fathers. And under these royal instructions the translators could not have so innovated upon the ancient Scripture liturgy as to substitute the word slave for that of servant; a word of poetical endearment, and used only in a good sense; a word, too, *idem sonans*, and of such easy transition from the word *servus* or *servans*; consequently, we find, as we should expect, that the word slave is, by the translators of that day, used in but one passage, and that, too, with reference to those carried into captivity and sold in Babylon, the mother of harlots. But, in the use of the word servant, the translators have universally qualified it with some epithet, when it means anything in its literal sense but what we now understand by the word slave. The Greek words *δουλος* and *δουλεύς* are the words most frequently used in the New Testament and in Greek authors, as the general terms for servants or slaves. Other terms are used to denote specific classes, or for particular reasons, all of which, for the reasons which are assigned above, the translators of King James have rendered servant. But that they mean in their literal signification what we mean by the word slave, we will cite a few instances of their use by numerous authors in the mass of Greek literature, now extant, to prove. In addition to those already cited in our Essay on Greek Slavery, we quote the following for this purpose alone:—

We commence with the *Iliad*. In book iii., line 409, *δουλή* is translated by Pope, "slave." In book vi., line 464, *αμυνεῖν δουλίον ἡμᾶρ* is translated "to ward off the day of slavery." In *Odyss.* xiv. 339, *δουλίον ἡμᾶρ ἐμοί*, in regard to which, Pope says: "With ready hands they rush to seize the slave."

Eurip. *Troad.* 678: *ναυστολοῦμαι δ' ἐγὼ πρὸς Ἑλλάδα, αἰχμαλωτος εἰς δούλον ζυγον*. "I go by sea a prisoner of war to the yoke of slavery."

Bacch. 1028: *ὦς σε στενάξω, δούλος ὦν μὲν ἀλλ' ὁμῶς χρῆστοίς δουλοῖς συμφορα τὰ δεσποτων*. "How I lament this, though a slave; yet slaves, if faithful, mourn the ruin of their masters."

Helen. 283: *καὶ φίλων τηρωμένη, δούλη καθέστηξ' οὐδ' ἐλευθερίων ἀπο. τὰ βαρβαρῶν γὰρ δούλο πάντα πλῆν ἑνός*. "Of friends de-

prived, I, from the free who draw my generous blood, am made a *slave*: for, among barbarians, all are slaves save one.”

In this instance, as in many others which we shall notice, the word *δουλος* is used in contrast with the word *ἐλευθερος*, and can mean nothing but a person in a state of bondage.

Idem, 1630: *ἀλλὰ δεσποτῶν κρατησεῖς, δουλος οὖν.* “Slave as thou art, wilt thou control thy master?”

Idem, 1640: *προ δεσποτῶν τοῖσί γεναίοις δουλοῖς ευχλεσταιον θανείν.* “To home-born slaves it is glory to die for their masters.”

Jan., 855: *τοῦνομα τα ὅ' ἀλλα παντα τῶν ἐλευθερων ουδεὶς κακίων δουλος, ὅστις εσθλος ἦ.* “It is the name; in all else than the free, the slave is nothing worse, if he be virtuous.”

Methu., line 54: *χρηστοῖς δουλοῖς ξυμφορα ταδεσποταν κακῶς πῖννοντα καὶ φρενῶν ἀνθαπτεται.* “Slaves who are faithful, suffer in the afflictions of their master.”

Hecub. line 234: *Εἰ δ' ἔστί τοῖς δουλοῖς τους ἐλευθερους, &c.* “But to many slaves it is permitted to ask of the free,” &c.

Idem, line 291: *νομος δ' ἐν υμῖν τοῖς τ' ἐλευθεροῖς ἴσος καὶ τοῖς δούλοῖς αἵματος καίται περὶ* “The laws of blood are equal to us slaves, and to you our freemen (or masters).”

Orestes, line 1522: *Δούλος ὦν φοβεῖ τον Αἰδην, ὅς σ' ἀπαλλαξεί καζῶν.* Slave: *Πας ἀνιρ, καὶν δουλος ἦ τίς, ηῃδεταῖ το φῶς ὅρων.* Orest.: “Fears a slave death, the end of all his ills?” Slave: “To slave or free, sweet is the light of heaven.”

Thucydides, lib. i. chap. 34: *Οὐ γαρ ἐπὶ τῷ δουλοῖ ἀλλ' ἐπὶ τῷ ὅμοις τοῖς λείπομενοῖς εἶναι ἐκπεμπονται.* “They are not sent out to be slaves, but to be the equals of those who remain behind.”

Chap. 55: *Καὶ τῶν Κερκυραίων ὀκταχοσίους μὲν οἱ ἦσαν δουλοὶ ἀπηδόντο.* “Eight hundred of the Careyean prisoners, who were slaves, they sold at public sale.”

Lib. ii. chap. 63: *Μηδὲ νομίσαι περὶ ενός μονου, δουλείας ἀν' ἐλευθερίας.* “Think not you have only one point at stake, the alternative of slavery or freedom.”

Idem, chap. 78: *Καὶ ἄλλος ουδεὶς ἦν ἐν τῷ τείχεϊ, οὔτε δουλος, οὔτε ἐλευθερος.* “Nor was there any other portion within the wall, either slave or free.”

Chap. 118, lib. iv: *Μήτε ἐλευθερον, μήτε δουλον.* “Whether they be freemen or slaves.”

Lib. 3, chap. 63: *Τους μὲν καταδουλουμενους την Ἑλλάδα, τους δε ἐλευθεροῦντας.* “The Athenians have truly enslaved your country, and the others would regain its freedom.”

Xenophon Mem. lib. i. chap. 3, § 11: *Ω τλήμον, ξενη ὅ*

Σωκράτης, καὶ τί ἂν οἴεῖ παθεῖν καλὸν ἐρίλησας; ἄρ' οὐκ ἂν αὐτίκα μαλα δούλος μὲν εἶναι αὐτ' ἐλευθερον. "Miserum te, ait Socrates, quid eventurum tibi existimas, si formosum osculeris? anon subito pro libero servus esses?" (Leuncluvius.)

Idem, chap. 5, § 3: Δουλῷ δ' ἄκρατεϊ επιτρεψαίμεν ἂν ἢ βοσκήματα ἢ ταμιεῖα ἢ ἐγὼν ἐπιστασίαν. "Et servo intemperanti num vel pecora, vel penum, ut operi præset, committeremus?" (Leunc.)

Idem, chap. 6, § 9: Χαλεπον δὲ καὶ δήσαντα κατεχεῖν, ὥσπερ δουλόν. "Neque minus difficile vinetum retinere tanquam servum." (Leunc.)

Idem, chap. 7, § 3 and 4: "Ὅτι νῆ Δί, ἔφη, ὁ μὲν δούλους τρεφεῖ, ἐγὼ δὲ ἐλευθερούς. Καὶ ποτερον, ἔφη, τοὺς παρὰ σοὶ ἐλευθερούς οἷε βελτίους εἶναι ἢ τοὺς παρα Κεράμῳ δουλούς. "By Jupiter, said [Aristarchus], he rears up slaves, and I only freemen. Well, then, said [Socrates], which do you prefer, your freemen or Ceramon's slaves."

Lib. iii. chap. 12, § 2: Πολλοὶ δὲ δι' αὐτο τοῦτο ζῶντες ἀλίσκονταί, καὶ ἄλόντες ἤτοι δουλεύουσι τὸν λοιπὸν βίον, εἰαν οὕτω τύχῃσι τὴν χαλεπωντατὴν δουλείαν. "Many endure the most burdensome slavery, produced by their having been taken captives in war, and, as captives, slaves themselves through the remainder of their lives."

Xenoph. Cyrop. lib. iii. cap. 1, § 2: Καὶ γὰρ ἔστιν, ἔφη ὁ Κύρος, καλὸν μάχεσθαι, ὅπως μὴ ποτὲ τις δούλος μελλοὶ γενήσεται ἢν δὲ δὴ πολέμῳ κρατηθεῖς, ἢ καὶ ἄλλον τινὰ τροπὴν δουλωθεῖς, ἐπιχειρῶν τίς φαινῆται τοὺς δεσποτάς ἀποστρεφῖν εαυτοῦ, τοῦτον οὐ, πρῶτος εἰπέ, ποτερον ὥς αγαθὸν ἀνδρα καὶ καλὰ πραττοντα τίμας ἢ ὡς ἀδικούντα, ἢ λαβῆς, κολαζεῖς; κολάζω, ἔφη. "It is indeed noble, said Cyrus, to fight, in order not to be made a slave! But if a man be conquered in war, or by other means reduced to slavery, and be found attempting to throw off his master, do you yourself first pronounce whether you reward or honor such a one as an honest man, and as one that does noble things, or, if you take him, do you punish him as one that acts unjustly? I punish him, said he."

Ibid: Ἦν ἦ, νῆ Δί, ἑαυτῷ συνοῖδεν ἐλευθερίας μὲν ἐπιθυμησας δούλους δ' ὥς οὐδὲ πώποτε γενομενός. "Why, by Jupiter, being conscious of himself that, effecting his liberty, he has become by far much more a slave than ever."

Lib. iv. chap. 8; Αὐτίκα μαλα ὤφισθε, ὥσπερ δούλων ἀποδιδρασκόντων καὶ ἐβρημένων, τοὺς μὲν ἰκετεύοντων αὐτῶν, τοὺς δὲ φεροντάς, τοὺς δ' οὐδέ ταῦτα φρονεῖν δυναμένους. "You will see them like slaves that have run away and are discovered, some

supplicating for mercy, some flying, and some without presence of mind enough to do either."

Idem, chap. 23: *Αὐτος δὲ ὁ Κύρος ἀνείπεῖν, ἐκέλευσεν, εἴ τις ἐν τῷ Ἀσσυρίῳ ἢ Συρίῳ ἢ Ἀραβίῳ στρατευματι ἀνὴρ δοῦλος ἢ Μηδῶν, ἢ Περσῶν, ἢ Βακτριανῶν, ἢ Καρῶν, ἢ Κιλικῶν, ἢ Ἑλλήνων, ἢ αλλοθεν ποθεὶν βεβιάσμενος ἐκφαίνεσθαι.* "Cyrus himself ordered them to make proclamation, that whatever *slave* there might be, either in the Assyrian, Syrian or Arabian armies, whether he were Mede, Persian, Bactrian, Carian, Cilician or Greek, or of any other country, forced to be a slave, that he should appear."

Anab. lib. i. chap. 9: *Παρά μὲν Κυροῦ, δούλου ὄντος, οὐδεὶς ἀπήει πὸς βασιλέα.* "No one, not even a *slave*, ever deserted Cyrus to go to the king."

Lib. ii. chap. 3: *Δούλοι δὲ πολλοὶ εἰποντο.* "They were attended by a great many *slaves*."

Chap. 5: *Μετά δὲ ταῦτα τῶν βαρβάρῳ, τίνες ἵππεων, διὰ τὸν πεδίου ἐλαυνόντες, ᾧτινι ἐντυγχανοῖεν Ἑλλήνι ἢ δούλῳ ἢ ἐλευθερῳ, παντας ἐκτείνον.* "After this, some of the barbarian horse, scouring the plains, killed all the Greeks they met, both freemen and *slaves*."

Lib. vii. cap. 4: *Ὁ δ' εἶπεν Ἀλλ' ἔγωγε ἱκανῇ νομίζω νῦν δικὴν εἶναι οὗτοι δούλοι ἐσονται ἀντ' ἐλευθερῶν.* "And then he said, I think myself sufficiently revenged, if these people, instead of freemen, are to be made *slaves*."

Idem, chap. 7: *Σὺ μὲν γάρ κρατουντος, δουλεία ὑπάρχει αὐτοῖς κρατουμένου δὲ σὺ ἐλευθερία.* "For if you conquer they are slaves (lit. slavery has them), but if you are conquered they are free (lit. freedom has them)."

Demosth. Olenth. 2: . . . *ἢ ὥς οἱ παρά τῃν αὐτῶν ἀξίαν δεδουλωμένοι Θεσσαλοὶ νῦν οὐκ ἀν ἐλευθεροὶ γενοῖτο αἰσμενοί.* . . . "Or that the Thessalians, who had been so basely, so unjustly enslaved, would not gladly embrace their freedom."

De Corona, p. 208: *ποτερὸς ὥς ὁ πατήρ σου, Τρόμης, ἐδούλευε παρὶ Ἑλπίᾳ τῷ πρὸς τῷ Θησεΐῳ διδασκοντί γραμματα.* "Just as your father Tromes served as a slave to Theseus, teaching grammar in Elpia."

Idem, p. 289: *Ὡστ' ἐλευθερος ἔκ δούλου, καί, &c.* "Just as a freeman from a slave."

Orat. iii. adv. Apho. p. 243: *ἀλλὰ καὶ δούλον εἶναι τὸν ἄνθρωπον τῷ ὄντι.* "But even a slave is a man in his being."

Orat. in Pantæ. p. 80: *τίς γάρ πώποτε τῷ δεσπότῃ λαχὼν, τοῦ δούλου τὰ πράγματα, ὥσπερ κυρίου, κατηγόρησεν.* "For who, drawing lots with the master, will ever claim the private property of the slave, as of his lord."

Orat. in Macart. p. 173 : ἐπαγγέλλειν δέ, περί μὲν τῶν δούλων τῷ δεσπότῃ περί δέ τῶν ἐλευθέρων τοῖς τα χρήματ' ἔχουσιν. "To make proclamation concerning the masters of the slaves, and concerning those having the possessions or rights of freemen."

Æschylus Promth. Chained, line 463 : καζευσζα πρῶτος ἐν ζυγοῖς κνώδαλα ξευργλασί δουλευνοντα. "I first subdued the nodulation to the yoke, to serve or be a slave in the cholars."

In this instance, the verb δουλευω, meaning to be a slave, is applied to the service of domestic animals.

Again, in Lucian Duil, of the gods Mue and Muia : ὧσπερ οἱ ἐν γῇ κακῶς δουλευνοντες. "As those prone to earth, following an abject servitude."

Sophocles, Antig. line 517 : οὐ γάρ τί δουλος, ἀλλ' ἀδελφος ὤλετο. "For he died not as a slave, but a brother."

Ajax, line 489 : νῦν δ' εἰμί δούλη. "Though now a wretched slave."

Idem, line 1020 : δουλος λόγοισίν αντ' ἐλευθερου ζ'ανείς. "From a freeman, by thy sentence doomed to be a slave."

Idem, line 1289 : ὁ δούλος, ὁ ἐκ τῆς βαρβάρου μητρὸς γεγῶ. "A slave descended from a barbarian mother."

Trachin. line 63 : ἦδε γάρ γυνή δούλη μὲν, εἴρηκεν δ' ἐλεύθερον λόγον. "For this woman, as a slave, hath spoken like a freeman."

Philoe, line 995 : οἱ μοί τάλῃς ἡμῖς μὲν ως δουλους σαφῶς πατήρ αρ' ἐξεφυσεν, ουδ' ἐλευθερους. "O me miserum! That our father should have unfortunately begot us slaves, instead of freemen."

From the poets, orators, and other historians, we turn now to the primitive use of this word in the plain and unvarnished style of the Father of Historians.

Herod. lib. i. chap. 7 : ἐκ' δούλης τε τῆς Ιαρδανου γεγονοτες και Ἡρακλεος. "The Heraclidæ are descended from Hercules and a female slave of Iardanus."

Chap. 94 : Λυδοί μὲν δὴ ἐπὶ Περσχοί δεδουλωντο. "Thus the Lydians were enslaved by the Persians."

Idem, chap. 95 : Καί αποσαμενοὶ τήν δουλοσύνην ἡλευθερώθησαν. "And rejecting slavery, they became free."

Idem, 173 : Καί ἤν μεν γε γυνή ἀστη δουλω συνούσῃ, γενναῖα τα τεκνα νερόμισταί. "If any free woman cohabits with a slave, the children begotten are subject to the law."

Lib. ii. chap. 1 : Ως δουλους πατρωίους εοντας ἐνομίζε. "The law makes slaves heritable property (or subject to inheritance)"

Similar quotations might be multiplied from the various authors to fill a volume. We have selected but a few, as the most convenient and appropriate. Whoever wishes to see a more elaborate investigation of the use of this word and its derivatives, in Greek literature, will find the most extensive and well-digested compilation of passages from the various Greek authors whom we have cited above, that can be found in this or any other language, in Fletcher's *Studies on Slavery*; for which the literary world must be for ever indebted to the indefatigable labors of John Fletcher, of Louisiana.

But we have as yet considered only the poetical and historical use of this word: it remains yet to consider its political, moral or philosophical, and religious signification. This, it will be readily conceded, can be best ascertained from the writings of Plato, Aristotle, and the Bible.

Plato, *De Leg.* xi. p. 930: *δοῦλη μὲν ἐὰν συμμίξη δούλῳ ἢ ἐλευθερῳ ἢ ἀπελευθερῳ, πατὼς τοῦ δεσποτοῦ ἔστω τῆς δουλῆς τὸ γεννώμενον*, &c. See *Essay on Greek Slavery*, where the passage is quoted and translated in full (sup. p. 59.)

For further illustrations of the meaning and use of this word, we must beg leave to refer to our *Essay on Greek Slavery*, entire, including its philosophical definition by Aristotle, its political and legal use and meaning by Plato, Athenæus, and others; also to our *Essay on Slavery in the New Testament*, showing the use of the term by the learned Seventy, and by the Evangelists and Apostles. After a careful and somewhat thorough examination of this subject, we have been forced to the irresistible conclusion, that whoever will deliberately say that the Greek words *δουλος* and *δίκτετς* do not literally mean what we understand by the English word slave, must be either a literary novice or knave. It is true that the relation of master and slave is often alluded to by writers and speakers for the purpose of illustrating great truths and enforcing doctrines and precepts, and hence these words must frequently be used in a figurative sense; but we treat only of their primitive and literal signification.<sup>1</sup>

<sup>1</sup> Hendrico *Greek Lex.* verb *δουλος*, *δίκτετς*. Scurvill, do., Pickering, &c. Lidell & Scott. Don. Groves, Robinson's *Lex.*, *Greek New Testament*.

## ESSAY VI.

## SLAVERY IN THE MIDDLE AGES.

THE decline of the Roman sway in Western Europe left behind its language, literature, and laws, as a precious inheritance to subsequent nations. Although the ancient flag of her vast empire no longer waved over them; though they were no longer subject to the proud prowess of her arms, still had she left behind the pure traces of her ancient nationality, in her letters and jurisprudence, whence the modern literature and laws of those nations took their source. The *Corpus Juris Civilis* was a great heir-loom in these national generations and families; the *Pandects* was their legal Bible; the *Twelve Tables* their *Pater Noster* and *Decalogue*. Hence the general uniformity in all their fundamental principles of law appertaining to the rights of persons and things. In all those modern nations deriving their legal systems and codes from the civil law, including the canons of the Church, which contained many important principles upon the subject of freedom, there is necessarily a great uniformity upon the subject of slavery. "When the Goths and Vandals overran the Roman Empire in the West, the great swarms of Roman slaves began to disappear. But the Middle Ages witnessed rather a change in the channels of the slave trade, than any diminution of its extent. The Saxon race carried the worst and most repulsive form of slavery into England, where the toll on the sale of a slave was only four times that of an ox! The long wars between the German and Slavonic tribes imparted to the slave trade of the Middle Ages its greatest severity. This traffic filled France and its neighboring States with such numbers of Slavonic captives, that they adopted the name of those people for condition of servitude."<sup>1</sup> Slavery then prevailed in every nation of Europe, most of which were governed directly by the civil law.

Such, then, being the uniformity of the laws of those nations, as well as their customs regulating this system of slavery, we prefer rather to treat them all collectively, under the topic placed at the head of this Essay, than to particularize by going into a separate analysis of their laws, which would be but a useless repetition.

<sup>1</sup> See Essay V, p. 125.

In the various codes containing the laws and institutions of the Middle Ages, the first thing that strikes us is the distinction of social ranks. The fundamental one is that of freemen and slaves. Before the conclusion of the fifth century, the Roman Empire in all the west of Europe was overthrown by the Northern barbarians. The Vandals were masters of Africa; the Suevi held parts of Spain; the Visigoths held the remainder, with a large portion of Gaul; the Burgundians occupied the provinces watered by the Rhone and the Soane; the Ostrogoths nearly the whole of Italy. Among these barbarous nations, involuntary servitude, in various forms, seems to have existed.

The following passage occurs in Tacitus: "The slaves, in general, were not arranged at their several employments in the household affairs, as is the practice at Rome. Each has his separate habitation, and his own establishment to manage. The master considers him as an agrarian dependant, who is obliged to furnish a certain quantity of grain, of cattle, or of wearing apparel. The slave obeys, and the state of servitude extends no further. All domestic affairs are managed by the master's wife and children. To punish the slave with stripes, to bind him with chains, to condemn him to excessive labor, is unusual. It is true, the slaves are sometimes put to death—not under color of justice or of any authority vested in the master, but in a transport of passion, in a fit of rage, as is often the case in a sudden affray; but it is also true that this species of homicide passes with impunity. The freedmen are of not much higher consideration than the real slaves. They obtain no work in their master's family, and, if we except the parts of Germany where monarchy is established, they never figure on the stage of public business. In despotic governments, they rise above the men of ungenerous birth, and even eclipse the whole body of the nobles. In other states, the subordination of the freedmen is a proof of public liberty."<sup>1</sup>

Besides the slaves who became so by birth or the fortunes of war, anciently, any freeman could dispose of his own liberty, by the provisions of these antique codes of law.<sup>2</sup> If a freeman married a female slave, he incurred the same penalty; if unable to pay his debts, he became the bondman of his creditors. The code of the Lombards, in Italy, seems, in some respects, to have been peculiarly rigorous. For him who slew

<sup>1</sup> Tac. De Mos. Germ. xxv.

<sup>2</sup> Such as the Lex Salica, the Code of the Ripuarii, Code of the Burgundians, Lex Saxonum, &c.



his own slave, no punishment was provided; but no composition would atone for the life of a slave who assassinated a freeman. If a slave presumed to marry a free woman, the doom of both was death; but the freeman might marry his maiden, provided he previously enfranchised her. Such unions, however, were regarded as disgraceful. The slave had little hope of escape. Enfranchisement was far from frequent, and the *libertus* was as dependent on his patron as the slave on his owner: neither could marry beyond his own caste without incurring the penalty of death; yet marriage was all but obligatory, that servitude might be perpetuated. Manumission generally took place in the churches, or by will, or by written instrument; and those thus made were also common to the Romans. But there were other modes, peculiar to certain nations. In France, it was effected by striking a *denarius* from the hands of the slave, or by opening the door for him to escape. The Lombards delivered him to one man, this man delivered him to a third, the third to a fourth, who told him he had leave to go north, south, east, or west.<sup>1</sup> The owner might also deliver his slave to the king, that the king might deliver him to the priest, who might manumit him at the altar. Among the Lombards, the symbol was sometimes an arrow, which, being delivered to the slave, betokened that he was now privileged to bear arms—the distinguishing characteristic of freedom.<sup>2</sup>

It is difficult to determine whether slavery was more rigorous in Germany or in Gaul. In the latter country the influence of religion was much greater, while in the former there was more individual independence. In Gaul, however, manumission was much more frequent, the slaves being made free in order that they might, on any occasion, be able to assist their lords, who had not, like the German barons, free-born warriors always at hand to assist them. In Gaul the Church had a much greater number of slaves, and under the influence of Christianity slavery has always been mitigated.

The condition of the *liberti* varied; those who were emancipated before the altar were exempt from every species of dependence. The same may be said of the *manumissio per denarium*, *per quartum manum*, *per portus potentes*; but if *per chartam*, the *libertus* obtained a much less share of freedom:

<sup>1</sup> Similar to the form of manumission prescribed by the Twelve Tables of their selling the slave.

<sup>2</sup> See Muratorius *Ital. Scriptæ. Rerum. vol. i. Pars. ii. p. 90.*

if he escaped from personal, he was still subject to other service and to the jurisdiction of his late owner.

Among the Salian Franks, if a freeman married a slave he became a slave. The Ripuarians were still more severe; the woman who married a slave was offered, by the local judge at court, a sword and a spindle; if she took the former she must kill her husband; if the latter she must embrace servitude with him. The greatest severity was found among the Burgundians, Visigoths, and Lombards. Among the Saxons, says Adam of Bremen, it is commanded that no unequal marriage be contracted—that noble marry with noble, free-man with free-woman, freed-man with freed-woman, slave with slave; for if any one should marry out of his condition, he is punished with death.

A criminal leniency towards crimes committed against slaves, and great severity toward crimes committed by that unfortunate class, characterized, more or less, all the German codes. By the *Lex Saxonum*, the mulct for the murder of a noble was 1440 sols to the kindred, besides a fine to the state; for the murder of a freed-man, 120; for that of a slave by a noble, 36; but by a freedman an oath of compurgation sufficed.

The perpetual wars in which those nations were engaged, greatly increased the number of slaves. The Goths, the Burgundians, or the Franks, who returned from a successful expedition, dragged after them a long train of sheep, of oxen, and of human captives, whom they treated with the same brutal contempt. The youths of an elegant form were set apart for the domestic service; a doubtful situation which alternately exposed them to favorable or cruel impulses of passion. The useful smiths, carpenters, cooks, gardeners, &c., employed their skill for the benefit of their masters. But the Roman captives, who were desitute of art, but capable of labor, were condemned, without regard to their former rank or condition, to tend the cattle, and cultivate the lands of the barbarians. The number of the hereditary bondmen, who were attached to the Gallic estates, was continually increased by new supplies from this source.

When the masters gave their daughters in marriage, a long train of useful servants, chained on the wagons like captives to the ear of a conqueror, to prevent their escape, was sent as a nuptial present into a distant country.

The Roman laws protected the liberty of each citizen against the rash effects of his own distress or despair. But the subjects

of the Merovingian kings might alienate their personal freedom.<sup>1</sup>

From the reign of Clovis, during five successive centuries, the laws and manners of Gaul uniformly tended to promote the increase of servitude. In a later age, and during the prevalence of the feudal system, the lower classes of the population may be considered under three divisions. 1st. Freemen distinguished among the writers of the Middle Ages as *Arimani*, *Conditionales Originari*, *Tributales*, &c. 2d. *Villani*. They were likewise *adscripti glebæ*, or *villæ*, from which they derived their name. And 3d. The *Servi*. The master of slaves had absolute power over their persons and could inflict punishment when he pleased, without the intervention of a judge. They possessed this dangerous right not only in early times when their manners were fierce, but it continued as late as the twelfth century. Even after this jurisdiction of the master came to be restrained, the life of the slave was deemed to be of so little value, that a very slight compensation atoned for taking it away. Slaves might be put to the rack on very slight occasions. All the children of slaves were in the same condition with their mother, and became the property of their masters. Slaves were so entirely the property of their masters that they could sell them at pleasure. While domestic slavery continued, property in a slave was sold in the same manner precisely as property in any other commodity. Afterwards slaves became, or were merged into the class of *adscripti glebæ*, and were conveyed by sale, together with the farm or estate to which they belonged. Slaves had a title to nothing but subsistence and clothes from their masters. Slaves were distinguished from freemen by their peculiar dress. Among all the barbarous nations, long hair was a mark of dignity and freedom. Slaves were, for that reason, obliged to shave their heads, and thus they were constantly reminded of their own inferiority. For the same reason it was enacted in the laws of all Europe, that no slave should be admitted to give evidence against a freeman in a court of justice. The multifarious classification of slaves during this period, though numerous, seems somewhat less than that of the ancient Romans.<sup>2</sup>

<sup>1</sup> "Licentiam habeatis mihi qualem eunque volueritis disciplinam ponere; vel venumdare, aut quod nobis placuerit de me facere."

<sup>2</sup> Ducange, under the word *servus*, mentions, among others, the following classes of slaves: "Of the field, *beneficiarii*; attached to the soil, *adscripti glebæ*, *censuales servi civitatis*; public slaves, *servi comitum*; *consuetudinarii*, a species of serfs; *ecclesiastici*, belonging to the Church;

When charters of liberty, or manumissions, were granted to persons in servitude, they contained four concessions corresponding with the four capital grievances to which men in a state of bondage are subject: First, the right of disposing of their persons by sale or grant was relinquished. Second, power was given them to hold property, and to convey the same by will or any other legal deed. Third, the tribute which they owed to their superiors, of all kinds, was precisely ascertained, which was previously at the will of the master. Fourth, they were allowed the privilege of marrying according to their own inclinations, and to transmit their property by inheritance, the same as other persons. Many circumstances combined to effect their deliverance for the slaves.

"The humane spirit of the Christian religion," says Dr. Robertson, "struggled long with the maxims and customs of the world, and contributed, more than any other circumstance, to introduce the practice of manumission." A great part of the charters of manumission, previous to the reign of Louis X., were granted, "*pro amore Dei, pro remedio animæ, et pro mercede animæ.*"<sup>1</sup> The formality of manumission was executed in the church as a religious solemnity.

The person to be set free was led round the great altar with a torch in his hand; he took hold of the horns of the altar, and there the solemn words of conferring liberty were pronounced. The princes on the birth of a son, or other joyous event, enfranchised a certain number of slaves as a testimony of gratitude. The *oblati*, or voluntary slaves of the churches or monasteries, were very numerous.

Slavery, however, notwithstanding the benign influence of the Christian religion, maintained most of its ancient rigors;

*fiscales*, connected with the royal treasury; *fugitivi*, *servi fundarum*, *gregarii*, *massari*, a species of serfs; *ministeriales*, domestics employed in and about the house, of whom twenty classes are enumerated; *palatii*, *servi pœnæ*, *stipendarii*, *testamentales*, *tritularii*, *triduani*, who served three days for themselves, and three for their masters; *vicarii*, who performed in the country-seats duties for their masters," &c.

<sup>1</sup> When Pope Gregory, towards the end of the sixth century, granted liberty to some of his slaves, he introduced this reason for it: "*Cum Redemptor noster, totius conditor naturæ, ad hoc propitiatus humanam carnem voluerit assumere, ut divinitatis suæ gratia, dirempto (quo tenebatur captivus) vinculo, pristinæ nos restitueret liberati; salubriter agitur, si homines quos ab initio liberos natura protulit, et jus gentium jugo substituit servitutis, in ea, qua nati fuerant manumittentis beneficio, libertate reddantur.*" But it should be remarked that the class of persons to whom the Pope has reference were as capable of enjoying their liberty as those who held them in bondage.

and instances of enfranchisement were comparatively few, while the feudal system maintained its ascendancy. The inferior order of men owed the recovery of their liberty, in a great measure, to the decline of that aristocratical policy which lodged the most extensive power in the hands of a few members of the society, and depressed all the rest.

When Louis X. issued his ordinance, some slaves had been so long accustomed to servitude that they refused to accept of their freedom. Long after the reign of that prince, several of the ancient nobility continued to exercise dominion over their slaves.

Not only in Germany and in Gaul, but in Britain, even among our English ancestors, slavery seems to have existed from the earliest times. The Anglo-Saxons in their conquests, probably found, and certainly made, a great many slaves. The posterity of these men inherited the lot of their parents. Many free-born Saxons, on account of debt, want, or crime, lost their liberty.

In the more ancient laws, we find various classes of slaves. The most numerous class were the *villani*. All, however, were forbidden to carry arms, and subjected to ignominious punishments, and might be branded and whipped, according to law.<sup>1</sup>

In the charter, by which one Harold, of Buckenale, gives his manor of Spalding to the Abbey of Croyland, he enumerates among his appendages, Colyein, his bailiff; Harding, his smith; Lefstan, his carpenter; Elstan, his fisherman; Osmand, his miller, and nine others, probably husbandmen; and these, with their wives and children, goods and chattels, and the cottages in which they live, he transfers in perpetual possession to the Abbey. The sale and purchase of slaves prevailed during the whole of the Anglo-Saxon period. The toll in the market of Lewes was one penny for the sale of an ox, and fourpence for that of a slave. On the importation of foreign slaves, no impediment has ever been imposed. The export of native slaves was at length forbidden under severe penalties. But habit and avarice had taught the Northumbrians to bid defiance to all the efforts of the legislature. They even carried off their own relations and sold them as slaves in the ports of the con-

<sup>1</sup> In the reign of Anthelstan, a man-thief was ordered to be stoned to death, by twenty of his fellows, each of whom was punished with three whippings, if he failed thrice to hit the culprit. A woman-thief was burned by eighty women slaves, each of whom brought their billets of wood to the execution. If either failed, she was likewise whipped.

tinent. The men of Bristol were the last to abandon this traffic. Their agents travelled into all parts of the country; they were instructed to give the highest price for females in a state of pregnancy; and the slave ships regularly sailed from that port to Ireland, where they were secure of a ready and profitable market. Daily might be seen, upon the wharves at Bristol, the fairest specimens of Anglo-Saxon beauty and comeliness loitering there awaiting their transportation to Ireland to be sold for slaves. At last, Wulstan, Bishop of Worcester, visited Bristol several years successively, resided for months in the neighborhood, and preached every Sunday against the barbarity and irreligion of the slave-dealers. The merchants were convinced by his reasons, and solemnly bound themselves to renounce the traffic. The influence of religion considerably mitigated the hardships of the slaves. The bishop was the appointed protector of the slaves in his diocese.

In the abstract of the population of England, in Domesday Book, at the close of the reign of William the Conqueror, the whole population is stated at 283,242; of which the *servi* are 25,156; *ancillæ*, 467; *bordarii*, 82,119; *villani*, 108,407; total, 216,149; leaving, for remaining classes, 67,093. "The *servi* of the Norman period," says Bishop Kennett, "might be the pure *villani*, and *villani in grass*, who, without any determined tenure of land, were, at the arbitrary pleasure of the lord, appointed to servile works and received their wages and maintenance at the discretion of their lord." We have the authority of Bracton for asserting that, however unhappy the condition of the *servi* was in other respects, yet their lives and limbs were under the protection of the laws; so that, if a master killed his bondman, he was subject to the same punishment as if he had killed any other person. The form of the emancipation of the *servi* is minutely described in the laws of the conqueror. The *ancillæ* were the female slaves, and under the same circumstances of the *servi*. Their chastity was, in some measure, protected by law. The *bordarii* were distinct from the *servi* and the *villani*, and seem to be those of a less servile condition, who had a bord or cottage with a small parcel of land, on condition that they should supply their lord with eggs, poultry, &c., as necessary for his board and entertainment. Brady says they were drudges, and performed vile services, which were reserved by the lord upon a poor little house, and a small parcel of land.<sup>1</sup>

<sup>1</sup> See Genl. Introd. to Domesday Book, by Sir Henry Ellis, 2 vols., 1833.

There seems to have been no general law for the emancipation of slaves in the Statute Book of England. Though the genius of the English constitution favored personal liberty, yet servitude continued long in England in particular places. There were some points of distinction between the *villani* and the *servi* proper, that it may not be irrelevant to notice. The *villani* were likewise the *adscripti glebæ*, or villæ, from which they derived their name. They differed from the *servi* proper, or slaves, in that they paid a fixed rent for their lands to their lords, and after paying that, all the fruits of their labor and industry belonged to themselves in property. They were, however, precluded from selling the lands on which they dwelt. Their persons were bound, and their masters might reclaim them at any time in a court of law, if they strayed.<sup>1</sup> In England, at least from the reign of Henry II., the villiens were incapable of holding property, and destitute of redress, except against the most outrageous injuries. This tenure bound them to what was called villien-service, such as the felling of timber, carrying out manure, repairing of roads, &c.<sup>2</sup> But by the customs of France and Germany, persons in this abject condition seem to have been serfs, and distinguished from villiens, who were only bound to fixed payments of rents and duties. How the class of *servi* proper, or slaves, became extinct in England, it is impossible now to definitely ascertain; though the probability is, that in the progress and gradual development of the principle of personal liberty, their bondage was at length lost in that of villien service, in the same manner as villanage was finally merged in the modern English system of tenant at will.

In the year 1514, we find a charter of Henry VIII. enfranchising two slaves belonging to one of his manors. As late as 1547, there is a commission from Elizabeth with respect to the manumission of certain slaves belonging to her.

While slavery was still universal in Europe, in Italy, in the eleventh and twelfth centuries, the number of slaves began to diminish. Early in the fifteenth century, a writer, quoted by Muratori in his *Antiquities of Italy*, speaks of them as no longer existing.

The greater part of the slaves in Germany had acquired their liberty before the end of the thirteenth century; in the northern and eastern portions of Europe they remain in bondage to this day.

<sup>1</sup> By the action of *trover*. See *Essay on Political and Judicial Attitude of Slavery*, post, p. 293.

<sup>2</sup> See *Blac. Com.* "Villanage."

As in America, so in Europe, from a universal prevalence of slavery and the slave trade, some States and nations have abolished the one and prohibited the other by positive law; and "the domination of the power of a master to reclaim his escaping bondman in Europe commenced in the enactment of laws of prescription in favor of privileged communes. Bremen, Spire, Worms, Vienna and Ratisbon, in Germany; Carcassonne, Béziers, Toulouse and Paris, in France, acquired privileges on this subject at an early period. The Ordinance of William the Conqueror, that a residence of any of the servile population of England, for a year and a day, without being claimed, in any city, burgh or walled town, or castle of the king, should entitle them to perpetual liberty, is a specimen of those laws."

In France, after innumerable instances of manumission had taken place, Louis Hutin, by a general edict, in 1315, asserting that his kingdom is denominated the kingdom of the *Franks*, that he would have the fact correspond to the name, emancipated all persons in the royal domain upon paying a just compensation, as an example for other lords possessing slaves to follow. Philip the Long renewed the edict three years afterwards. Prædial servitude was not totally abolished in all parts of France till the Revolution. Bodin, a jurist of the sixteenth century, the earliest publicist who discussed this subject, says: "In France, although there be some remembrance of old servitude, yet it is not lawful here to make a slave or to buy any one of others, insomuch as the slaves of strangers, so soon as they set their foot within France, become Frank and free, as was determined by an old decree of the court of Paris against an ambassador of Spain who had brought a slave with him into France." He states another case, which arose in the city of Toulouse, of a Genoese merchant, who had carried a slave into that city on his voyage from Spain; and when the matter was brought before the magistrates, the "procureur of the city, out of the records, showed certain ancient privileges given unto them of Toulouse, wherein it was granted that slaves, so soon as they should come into Toulouse, should be free."

Charles V. of France exempted all the inhabitants of Paris from serfdom, or other feudal incapacities, in 1371, and this was confirmed by several of his successors.<sup>1</sup>

In 1615, the Tiers Etat prayed the king to cause all the serfs to be emancipated on paying a fair compensation, but this was

<sup>1</sup> Dulaire, Hist de Paris, tom. iii. p. 546. Broud Cout. de Par. 21.



not complied with, and they continued to exist in many provinces. Throughout almost the whole jurisdiction of Besançon the serfs were attached to the soil, not being capable of leaving it without their lord's consent; in some places he inherited their goods, to the exclusion of their nearest relations. Voltaire mentions an instance of his interfering in behalf of a few wretched slaves of a certain French *compté*. About the middle of the fifteenth century some Catalonian serfs, who had escaped into France, being claimed by their lords, the parliament of Toulouse declared, by an edict, that every man who entered the kingdom of *enceiant* France should be free.<sup>1</sup>

Thus the history of the world shows us that slavery and the slave trade are not local, and created only by special laws, as asserted by Justices McLean and Curtis, in their dissenting opinions in the Dred Scott case, but rather that they are originally universal, founded upon immemorial custom and universal principles of international law; and that all free territory, or territory where this right can no longer exist, has originated from some abrogation of this time-honored custom, or some modification of these long-established rights of property and of persons, by the potent arm of legislation. This is a historical fact, that the decision of no court, nor the dictum of any individual, can alter.

From about A. D. 990, regular accounts of the negro slave trade exist. These are its earliest traces in Europe. At that period Moorish merchants from the Barbary coast first reached the cities of Nigritia, and established an uninterrupted exchange of Saracen and European luxuries for gold, the gold and slaves of Central Africa. Even though whole caravans were sometimes buried in the sands of the desert, and, at others, without shade and without water, suffered the horrors of parching thirst under a tropical sun, yet the commerce extended, because it was profitable; and before the genius of Columbus had opened the path to the New World, the negro slave trade had been reduced to a system by the Moors, and had spread from the native regions of the Ethiopian race to the heart of Egypt on the one hand, and to the coasts of Barbary on the other.

"It was not long" (says the same author) "after the first conquest of the Portuguese in Barbary, that the passion for

<sup>1</sup> Ordinance of Toulouse. *Civitas Toulosana fuit et erit sine fine libera, adeo ut servi et ancillæ, sclavi et sclavæ, dominos sive dominos habentes, cum rebus vel sine rebus suis, ad Tholosam vel infra terminos extra urbem terminatos accidentes acquirant libertatim.* Hist. de Langue. tom. 3, p. 69, &c. See Dred Scott case, 19 How, p. 479.

gain, the love of conquest, and the hatred of the infidels, conducted their navy to the ports of Western Africa; and the first ships that sailed so far south as Cape Blanco, returned not with negroes, but with Moors."<sup>1</sup>

From these captive Moors they derived their most important information relative to this portion of Africa. And when they were restored by Antony Gonzalez to their native country, the Moors gave for their ransom not gold alone, but black Moors, with curly hair.

Thus commenced the notorious traffic in negro slaves in Europe, and mercantile cupidity immediately observed that negroes might become a lucrative commodity. Spain also engaged in the traffic. The merchants of Seville imported gold dust and slaves from Western Africa; and negro slavery, though the severity of the bondage was mitigated in its character by benevolent legislation, was established in Andalusia, and abounded in the city of Seville before the enterprise of Columbus was conceived. The coasts of America, like those of Africa, were also visited by ships in search of slaves; and there was not a convenient harbor on the whole Atlantic frontier of the United States that was not entered by slavers. The native Indians themselves were ever ready to resist the treacherous merchant; the freemen of the wilderness, unlike the Africans, among whom slavery had existed from time immemorial, would never abet the foreign kidnapper, or become his factors in the nefarious traffic. Fraud or force remained, therefore, the means by which, near Newfoundland or Florida, on the shores of the Atlantic or among the Indians of the Mississippi valley, Cortereal and Vasquez de Ayllon, Porcallo and De Soto, with private adventurers, whose names and whose crimes may be left unrecorded, transported the natives of North America into slavery in Europe and the West Indies. The glory of Columbus did not escape the stain; enslaving five hundred native Americans, he sent them to Spain, that they might be publicly sold at Seville.<sup>2</sup> The generous Isabella commanded the liberation of the Indians held in bondage in her European possessions. Yet her benevolence extended not to the servile condition of the Moors nor the Africans; and though she manifested a temporary sympathy for the oppressed in the New World, yet in her commissions for making discoveries, issued but a few days after her interference to rescue those whom Columbus had enslaved, she reserved for herself

<sup>1</sup> Hist. U. S. vol. 1, p. 165.

<sup>2</sup> Irving's Columbus, b. viii. c. 5.

and Ferdinand a fourth part of all the slaves which the new kingdoms might contain.<sup>1</sup> The slavery of the Indians was recognized as lawful, and was practised in the early settlements of New England by our Puritan fathers.<sup>2</sup> The practice of selling the natives of North America into foreign bondage continued for nearly two centuries, and even the severest morality pronounced the sentence of slavery and exile on the captives whom the field of battle had spared.

It was not Las Casas who first suggested the plan of transporting African slaves to Hispaniola; Spanish slave-holders, as they emigrated, were accompanied by their negroes. The royal ordinances of Spain authorized negro slavery in America. King Ferdinand himself sent fifty slaves from Seville, to labor in the mines; and because it was said that one negro could do the work of four Indians, the direct traffic in slaves between Guinea and Hispaniola was enjoined by a royal ordinance and deliberately sanctioned by repeated decrees. The very year in which Charles V. sailed with a powerful expedition against Tunis, to check the piracies of the Barbary States, and to emancipate Christian slaves in Africa, he gave an open legal sanction to the African slave-trade. The sins of the corsairs were to be visited on the negroes; and the monopoly for eight years of annually transporting four thousand negro slaves to the West Indies, was eagerly seized by La Bresa, a favorite of the Spanish monarch, and was sold to the Genoese, who purchased their cargoes of Portugal.

A series of Papal bulls had secured to the Portuguese the exclusive commerce with Western Africa; "but the slave trade between Africa and America was," says Bancroft, "I believe, never expressly sanctioned by the See of Rome." The spirit of the Romish Church was against it.

In conclusion, it may be remarked that in the darkness and confusion which reigned from the fourth to the fourteenth century, slavery of the most barbarous form would be likely to prevail; during the last years of the Roman Empire, an unfortunate change was going on which was destined to revive and perpetuate such a system. The middle class in society was dwindling away. A few distinguished families swallowed up the moderate land-holders, or drove them out of the country.

The Goths and Vandals threw their chains on the descendants of Cincinnatus and Brutus, and sent them to work in their

<sup>1</sup> "Esclavos é negros, é locos que en estos nuestros reinos sean habidos é espatandos por esclavos," &c. (Leo B.'s H. U. S.)

<sup>2</sup> See Essay on Political and Judicial Attitude of Slavery, post, p. 293.

kitchens and farm-yards. The way had been prepared by the destruction of the middle class—a class that contains the bone and muscle of any community in which it exists. These barbarous lords then rushed in, finding scarcely any thing to obstruct their progress. The children of the men from whom Scipio sprang became the scavengers and scullions of Visigoths and Huns. And hence followed the long and barbarous slavery of the noblest blood of the human family during the Middle Ages.

Christianity, as in all instances of human progress, exerted its own appropriate influence in special instances of emancipation, and the general amelioration of the condition of the slaves of this period. By various canons in the early history of the Church, as we have seen, this work of benevolence and human kindness was commenced and carried forward. Yet in all its teachings upon that subject there can be found nothing that essentially abrogates the fundamental relation of master and slave; all its tendency and influence is rather to perfect than to destroy that relation, except where the slave may “be made free,” then it would “use it rather.” But there were other influences that co-operated with Christianity to soften the asperities of this system of slavery. The expeditions of Peter the Hermit had their influence in partially breaking the yoke of these feudal bondsmen. The contemporaneous revival of literature and learning must come in also for its share of the humane work. Xenophon, Cicero, and Lucian, could not be perused without exciting a beneficial influence in ameliorating the asperity of the manners, in inspiring a love for freedom, and a tender sympathy toward the oppressed. The more northern nations of Europe seem always to have possessed a strong sense of individual freedom and of personal rights, which when directed and enlightened by Christianity and letters, became a powerful antagonist force to slavery. The spirit that broke out at Runnymede; at London, in 1688; at Philadelphia, in 1776; was nurtured in its infancy in the woods of Sweden and in the marshes of Denmark.<sup>1</sup>

<sup>1</sup> Whoever may be curious to pursue the subject of this essay more in detail, may consult the following authorities: The Glossarium of Ducange on the words *Servus Villanus*. *Tributales Originarii Oblatii Manumisso*, &c., in 6 vols. folio. Heineceius, in 8 vols. quarto. Muratori's *Antiquities of Italy*, in 6 vols. folio. These books are found in Boston Athenæum library, and are an invaluable source of information upon these subjects. Robertson's *History of Charles V.* Hallam's *Middle Ages*. Bordie's *British Empire*. Vol. I. of Lingard's *Hist. Eng.* Turner's *Anglo-Saxon Race*. Danm's *Germanic Empire*. Sismondi's *Italian Republic*. Mon-

We have thus attempted to give a kind of historical analysis of the laws and government of the institution of slavery in the principal nations both ancient and modern. Hitherto we have been unable to make any distinction between the intellectual capacity, mental and moral characteristics of the race of masters and slaves in any age or nation; but have proceeded upon the hypothesis that they were both of the same type of mankind, and equal in those particulars. And we find the truth of this supposition strikingly illustrated in the subsequent history of those nations from which, anciently, slaves were principally obtained. These nations have all, except Africa, risen to supremacy in letters, science, arts, and arms over the nations that once held their sons in bondage.

Our future remarks will be directed to the institution of American, or Negro slavery, and the mental, moral and physical characteristics of the slaves in our own country. In the following essay we shall endeavor to explain the real origin and cause of this kind of slavery, to show its necessity in the present organization of society, and the true principles upon which it has been and must be vindicated.

---

## ESSAY VII.

### THE MORAL ATTITUDE OF SLAVERY IN THE UNITED STATES.

WE will take the "golden rule" for our theme in this essay; "Whatsoever ye would that men should do to you do ye even so to them."<sup>1</sup>

This precept is declared to be the foundation of our rule of duty towards one another; when correctly understood, it is the principal test by which to determine the moral character of our actions. It is a precept clear and comprehensive, and both practical and universal in its application; and with all, perhaps, the most perfect formula for the government of human actions that could have been conceived.

But, generally, both theologians and moralists are as much mistaken in point of consistency, in their interpretation and

tesquieu. Blackstone's Comments. Grotius. Bracton. Littleton. Irving's Columbus. Prescott's Ferd. and Isab. Bancroft's Hist. U. S. A., &c.

<sup>1</sup> Matt. 7 : 12.

application of this rule, as they are in fault in not living up to its requirements.

It is true of the moral as well as of the civil code, that all laws in *pari materia* must be construed together; the moral code is a unity, all its precepts emanate from the same source; all are of equal dignity and force; all relate to the same subject matter, and must all be taken and interpreted in their qualified relations. Hence in determining moral rectitude and the path of duty, all moral precepts must have their due weight, all must be so construed as to violate none, but to properly observe their various requirements, and properly to heed their various modifications towards one another. Hence men are as well limited by this precept, as to what they desire should be done to them as they are enjoined by the same to do the like to others.

The term "would," in the former clause of the sentence, implies a desire, a will or wish, and is, in the eye of the law, as much a moral action as the performance of the reciprocal deed enjoined by the latter. Therefore, this great and golden rule obligates us only to do to others as we have a moral right to ask and desire that they should do to us. Men are as much in danger of transgression in their covetings and desires as to what should be done for themselves, as they are in their derelictions as to what they ought to do to others. If these conclusions are correct, this precept is, indeed, a golden rule; it is beautifully adapted to operate as a reciprocal limitation both to men's actions and desires towards one another.

We cannot lawfully ask a man to violate any moral or political duty, or to wrongfully do himself a great injury to gratify our unhallowed covetings of "his ox, or his ass, or anything that is our neighbor's," therefore, we are under no obligations to gratify his sinful or unjust desires of us in our transactions with him. It is sometimes said that this precept to be correctly understood needs to be modified with the qualification of a change of place of the parties, or in like circumstances, and should read thus: Whatsoever ye would that men should do to you were you in their places, or in like circumstances, do ye even so to them. But even this will not serve to relieve it of all the obligations to which such a construction is liable; it still wants the reciprocal limitation to men's desires as to what should be done for them by others. For instance, take the convict, under sentence of death for murder, who applies to the executive for a pardon; because that officer would, through the weakness of human nature, desire to be pardoned were he

a convict, does it follow that he is morally bound to comply with the prisoner's request?

Take again the case of the miser who has plodded on through life, freezing his soul over the chilling themes of worldly policy and golden gains till the last spark of animated existence becomes extinct, he meets the beggar boy in the street, who asks such a portion of his goods as to make him rich; because the miser would, through the sinful covetousness of his disposition, in a change of circumstances and place, earnestly desire the same thing; is he, therefore, bound to comply with the beggar's request? No one will pretend it, and why? because the desire in the first instance is not such a one as the law permits; it is a violation of the tenth commandment.<sup>1</sup>

Like instances might be multiplied, but these are sufficient to show that no desire, will, or wish, as to what should be done for him by others, will impose any obligation, direct or reciprocal, upon either, but such as is in accordance with the moral code, and requires no remission of duty, in its widest sense, to be complied with.

This passage is often quoted as a rule by which Southern masters should be guided in determining their duty towards their slaves, and hurled at them with an air of defiance as inculcating the doctrine of immediate emancipation.

But, as an enlightened Christian moralist, he has learned that "the human heart is deceitful above all things and desperately wicked," and, in determining his duty, he cannot trust its dictates and desires, either in what he would himself desire of others were he in their situation, or what others might desire of him.<sup>2</sup> He looks at the moral law as a whole, and feels his obligation to his neighbor to love him as himself, he feels his obligation to the community in which he lives as well as to those whom he has under his charge; and can never resolve upon a course of conduct, as his duty, which he knows, will necessarily wrong and injure them all as well as himself. Would he be loving his neighbor as himself, who, turned loose upon the community an army of vagabonds to beset it with discon-

<sup>1</sup> We do not here allude to the duty of bestowing charity upon the poor, but the hypothesis is predicated upon a covetous desire of his neighbor's goods, not for the relief of immediate wants, but to place the beggar in opulent circumstances.

<sup>2</sup> In the Epistle of Ignatius to Polycarp is the following: \* \* "but let them [slaves] be the more subject to the glory of God that they may obtain from Him a better liberation. Let them not desire to be set free at public cost, that they be not slaves to their own lusts." See *Slavery in New Test.*, supra p. 120.

tent, pillage, and every inconvenience and danger which the viciousness of a prowling banditti could invent? Would he be loving the slave himself, who is, in this country, in a helpless condition, without any fault of his own—the aged, infants, and infirm, as well as youth and manhood, to withdraw from them the fostering care and protection, in sickness and in health, which he has long extended over them, and leave them to degenerate into barbarism, or perish, for want of sustenance from the cold charities of the world? Would that be giving the “slave what is just and equitable?” His zeal for the good of mankind includes the whole human race; his philanthropy is peculiar to no race or condition; he sympathizes with the victims of oppression, pestilence, or famine, in every quarter of the globe.

He seeks out no peculiar spot, no singular errors, crimes, or abuses, as alone worthy of his charitable consideration. The miseries of starvation in Ireland; the tears, groans, and chains of the coal-pits and work-shops of England; the crimes, abuses, wretchedness, and woe too prevalent in all parts of his native country, are all included under the broad wing of his benevolence. One of his neighbors is a lonely and disconsolate widow, surrounded by a group of helpless children, with no shield or protector but the fears and anxieties of a tender mother; and all dependent for their resources for support, rearing, and suitable education of the children, upon what they realize from the labors of a few families of devoted servants, which the children have inherited from the deceased father (as Isaac did from the Father of the Faithful), who are well provided for in sickness and in health; who are allowed all the religious privileges, and deeply sympathize in all the fortunes and misfortunes, and share all the joys and sorrows of the household; and who are happy and contented in the discharge of all their duties. He feels that to rashly dissolve the relation that exists between these servants and their owners, and to deprive them of the care and protection of a merciful and humane mistress, would not only deprive this helpless family of their only means of a support, and reduce them to beggary and want, but it would also deprive the slaves of a comfortable and happy home, and reduce them to misery and wretchedness.

Another is a cruel, morose, and inhuman master, who rules with a rod of iron; neglects the proper care for the health, food, and clothing of his slaves; and yet forces them to unreasonable exposure and tasks for the love of gain.



This he classes in the common calendar of the frailties and imperfections of human nature, under the same head and in the same catalogue as cruel and abusive husbands, neglectful and brutal parents, fiendish guardians, and the numerous list of the other abuses of the power and authority which one has over another, in the present organization of society.

He consoles the servants by preaching to them the heavenly consolations of the Gospel, as taught by St. Paul in his Epistle to the Ephesians, and others. He does not preach to them abolition; he does not encourage them in insurrection or absconding; but he tells them, in that heaven-born spirit of meekness and Christian resignation which is everywhere breathed throughout the writings and teachings of the Great Apostle to the Gentiles: "Art thou called being a servant, care not for it."

The cruel master he does not denounce as a thief or robber, or by any other opprobrious epithet; but strives, with the influence of holy precept and good example, to reclaim him from the error of his ways to the path of rectitude and duty, as he strives to reform the wayward propensities and sinful practices of all other men. He opens to him those divine precepts that proclaim the doctrine of universal love, peace, charity, kindness, and compassion as among the cardinal virtues of the human heart, and sets forth one common Redeemer for all mankind. Following the illustrious example of the author of the celebrated Epistle to Philemon, he approaches him with the same spirit of forgiveness, charity, and kindness which he wishes to impress upon him by his teachings, and persuade him to exercise in his daily duties.

Such, as we have seen, was the genius and spirit of the whole Christian system, so far as it related to this subject—not to abrogate the relation between master and servant, but to improve and perfect the character and condition of both, in the calling wherewith they had been called. Not one syllable was ever uttered by the Founder of its doctrines, condemning this relation as wrong in itself. Throughout the writings of the apostles Peter and Paul, the relation is recognized as right in itself; and both master and servant are exhorted to a faithful performance of their respective duties. The sole object of their ministry, so far as it related to this subject, was to improve the condition of both, and not to abrogate the relation that existed between them.

Such was the object of Jesus Christ and his Apostles; such, as we have seen, was the object of the Christian Fathers during

the Apostolic ages, and even down to a late period in the history of the Church. And such is the object of the enlightened and sincere Christian moralist of the present day.

The Golden Rule, then, as expounded by divine authority, does not require of the kind, humane, and Christian master, to withdraw the care, protection, and support which has long secured and promoted the welfare and happiness of his slaves, as a shield thrown around their helpless condition, and leave them to perish for the want of it; but only to continue his kind and humane treatment, by continuing the relation existing between them, and "to give them that which is just and equitable." But methinks I hear the upbraidings of the abolitionists, in language like the following: "God hath made of one blood all nations of men for to dwell on all the face of the earth." "All men are created equal." "Slavery degrades its subjects to mere chattels, and places them in the catalogue of the brute creation: it deprives them of every hope or possibility of advancement, or of bettering their condition." "It is a high-handed sin against God, a *malum in se* that no man has a right, for a single moment, to persist in." "Freedom would not result in injury to the slave; it is just what he requires to put him upon the true theory of his advancement." "The master has no right to come to any such conclusion; it is all wilful blindness and selfishness that leads him to do it." "No man has a right to enslave another man; there can be no such thing as property in man." "Slavery corrupts the public morals; prostrates the industrial energies, and impoverishes the States in which it exists, and should, therefore, be abolished and suppressed by law." "No man's conscience can justify slavery, therefore it is wrong," &c.

These are some of the leading so-styled axioms of the abolitionists; they are like a class of groundless fabrications that are so oft repeated for truths, that their very author is at last cheated into a partial belief in their verity. They have become so hackneyed and stale as to pass quite current for self-evident propositions, and, consequently, he who presumes to dissent from this truth, and whose conscience dictates a different view of this subject, is proscribed, and subjected to the worst form of intolerance and persecution. We have defined to some extent the position and views of the inspired expounders of the scriptural law and Christian doctrines upon this subject. We shall next present some of the views that may be honestly maintained by the moral apologist for modern slavery. The first proposition in the above series is taken from Paul's dis-

course to the Athenians at the court of Areopagus. The passage in the original reads thus: *Εποίησέ τε ἔξ ἑνὸς αἵματος πᾶν ἔθνος ἀνθρώπων*, &c. Acts 17 : 26. The verb *ποιέω* is here used in an active transitive sense, with the noun *ἔθνος* for its object; its primitive meaning in this form is, to make, to mould, form, shape, or fashion.<sup>1</sup> In this passage it means the making of the nations or races, in the same sense that man was made in the beginning. "He that [*ποίησας*] made them at the beginning [*ἐποίησεν*], made them male and female;"<sup>2</sup> "Who [*ἐποίησε*] made the heavens and earth and sea."<sup>3</sup> "Hath not my hand [*ἐποίησε*] made all things?"<sup>4</sup>

But, when the Scriptures say: "All things were [*ἐγένετο*] made by him," &c.,<sup>5</sup> the verb *γαίνομαι* is used, signifying to cause to be, or to exist. The one means the immediate work of his hand, in an active transitive sense; the other simply the cause in a passive signification, as by enacting and upholding the laws of nature. But how does this comport with the theory of the unity and common origin of all mankind? If there is any meaning in Scripture language, God made [*πᾶν ἔθνος*] every race as type of men, as certain as he did man himself; for the same language is used in both instances.<sup>6</sup>

Adam Clark, in his learned Commentaries, says, in reference to this passage, that the noun *αἷματος* is wanting in many ancient MSS. and, consequently, that the numeral *ἑνός* may as well qualify any other noun as that. But this is immaterial to our view of the subject. *πᾶν ἔθνος ἀνθρώπων*: This phrase in the English is rendered, "*all nations of men*;" and is certainly susceptible of a different construction and of a different idea; *ἔθνος* is in the singular, in which form the adjective *πᾶς* is never used in a collective sense in the New Testament, except when applied to a noun that admits of no plural, as *πᾶς ὁ κόσμος*, the whole world, and the like. When applied to one of a number of like things in the singular, with or without the article in the New Testament, it is, or should be, invariably rendered each or "every," and conveys a distributive, rather than a collective, idea.<sup>7</sup> In the plural it is universally rendered "*all*," collect-

<sup>1</sup> See Gr. Lex.'s Lid. and Scott, Dan., Pick., Gro.

<sup>2</sup> Matt. 19 : 4,

<sup>3</sup> Acts 14 : 5.

<sup>4</sup> Acts 7 : 50. Mark 10 : 6. Heb. 1. Comp. Sept. Gen. 1 : 1, 7, 16, 21, 25, 26; 2 : 2; 5 : 2.

<sup>5</sup> John 1 : 3.

<sup>6</sup> *ἔθνος* is used with reference to the natural, rather than civil, divisions of mankind, and means a race or type, whence the science of ethnology.

<sup>7</sup> *Πᾶτος ἔθνους*, "*from every nation*," Acts 2 : 5. *πᾶς ὁ γεγεννημένος*, "*every*

ively, in the New Testament. In the Septuagint, in the plural it is sometimes rendered every, but I think never, all, collectively, in the singular.

The only exception that can be found to this rule in the New Testament is in the passage in dispute. In Acts 2 : 5 (πᾶντος ἔθνους), is correctly rendered "*every nation*;" respectively, being in the singular. Then why should (πᾶν ἔθνος) be rendered "*all nations*," collectively, in the passage in Acts 17 : 26 ? Let it be remembered that this is the only instance of the kind in the New Testament, and contravenes its established use of language.<sup>1</sup> (κατοικεῖν ἐπὶ πᾶν το προσωπον τῆς γῆς) : this clause is rendered, "*to dwell upon all the face of the earth.*" In that sense πᾶν would be superfluous; the face of a thing is necessarily its whole face. Let it be remembered that the noun (γῆ) as often means a country or section of the earth's surface, where the sense requires it, as it does the earth itself.<sup>2</sup> The word (πᾶν), here occurs again in the singular, qualifying a noun that may be used in the plural; as there are many different countries or portions of the earth presenting different faces or physical characters. This language is fairly susceptible of being rendered, *every face of country, or variety of clime*, if necessary to the sense of the passage. The verb (κατοικεῖν)

one born [of the spirit]." John 3 : 8. πᾶν κλημα, "*every branch.*" John 15 : 2. ἔχοντι παντί, "*to every one having,*" &c. Matt. 25 : 29. πᾶς γάρ αἰτῶν, "*every one asking,*" &c. Matt. 7 : 8. πᾶν δένδρον ἀγαθόν, "*every good tree,*" &c. Matt. 7 : 17. οὐ πᾶς ὁ λεγων, "*not every one saying,*" &c. Matt. 7 : 21. πᾶσιν τῇ κτίσει, "*to every creature.*" Mark 16 : 15. εἰς πᾶσιν πόλιν, "*into every city.*" Luke 10 : 1. πᾶντι τῷ πιστευοντι, "*to every one believing.*" Rom. 1 : 16. On the other hand, in the plural it is rendered all, collectively. πασι τοῖς ἔθνεσιν, ["*shall be called*] *by all nations.*" Mark 11 : 17. εἰς πάντα τὰ ἔθνη, ["*shall be led captive*] *into all nations.*" Luke 21 : 24. πάντα τὰ ἔθνη, ["*suffered*] *all nations.*" Acts 14 : 16. ἔθνη ἑπτα, "*seven nations.*" Acts 13 : 19. καὶ πάντα τὰ ἔθνη, "*and all nations.*" Acts 15 : 17. ἀνθρώποις πασι, "*all men,*" &c. Acts 17 : 30. πρὸς πάντας ἀνθρώπους, "*to all men.*" Acts 21 : 15. πάντα ἔθνη, "*all nations.*" Rev. 18 : 23; also 17 : 13; 14 : 8. But the same rule, generally, is observed by the learned Seventy in the Septuagint. See Gen. 1 : 25; 29 : 2, 5, 16.

<sup>1</sup> Wherever πᾶς denotes all collectively, the noun is not used in the plural, as πᾶν νοσον, all manner of sickness, &c. Matt. 4 : 23.

<sup>2</sup> Destroying seven nations, He divided [τῇν γῆν] their country. Acts 13 : 19. See also Lex. Lidd. and Scott, Don. et al. Behold, thou hast driven me out this day [ἀπὸ προσωπον τῆς γῆς] "*from the face of the earth,*" but that could not be the entire face of the earth, but only his native clime. Gen. 4 : 14. This phrase is certainly here used to denote some particular section of the earth's surface, then why not in Acts 17 : 27 ? See Septuagint, Gen. 2 : 6; 19 : 4; 14 : 10, 5, 8; 10 : 11, 12; 13 : 9; 18 : 18; 20 : 1, et passim.

here means to inhabit or dwell in some place; and the noun (*κατοικίας*), from the same root, according to the philosophy of language, must mean the place inhabited: the one is the exact measure of the extent of the other. If, then (*πάν το προσωπον τῆς γῆς*), the place or places inhabited, means the whole face of the earth collectively (*κατοικίας*), or the habitation must be co-extensive with it, and would not be susceptible of (*ὁροθεσίας*) boundaries; but all nations, collectively, would have but one habitation, viz., "*all the face of the earth*," collectively.<sup>1</sup> Hence, in view of the other clause, and applying the philosophy of language to that of things, we deem our construction legitimate. *ὁρίσας προεταγμένους καιροὺς, καὶ τὰς ὁροθεσίας τῆς κατοικίας αὐτῶν*: "*And hath determined the time, before appointed, and the bounds of their habitation.*" This resembles a translation of the Latin more than of the Greek of this passage; it is, to say the least, extremely doubtful and obscure. To a proper understanding of this text, it is necessary to consider the subject-matter upon which the Apostle was here treating. He stood before the assembled wisdom of Greece, the most august tribunal in the known world, to whom he was presenting the majesty, wisdom, and power of the one living and true God, the creator of all things, as displayed in his works. In the 26th verse, the one under consideration, he comes to speak of the origin and distribution of the races of men. In this, he shows the evidence of Divine wisdom and power, in that the earth had not been left to be peopled by chance. He had not only made each nation or race from one original, but he had distributed them into appropriate localities, and marked out the boundaries of the region that each should inhabit. In all this he traces the hand of creative wisdom and power; surely He dwelleth not in temples made with hands. The beauty and elegance of the language is appropriate to the sublimity of the subject and the magnitude of the occasion. Paul knew they called him a babbler, that they looked upon his doctrine as foolishness; if this could have prompted him to his master effort, he proved himself fully equal to the occasion.

<sup>1</sup> But such is not the meaning of the passage; it means the distributing the nations into different countries, separated by boundaries. Gen. 10: 5, 25; 11: 9. Deut. 32: 8; 2: 5, 9, 10, 12, 19. If God made the races to inhabit every clime, or "*all the face of the earth*," would he have created them all in one man and left them to find their way by chance into the different parts of the earth? No; if he made the nations to dwell in different parts of the earth, he must have adapted them to the several climes; there is no other meaning in the language; *κατοικεῖν* is a verb in the infinitive mood and governed by *ἔδωκεν*, meaning that the races were fitted to dwell in, or inhabit every variety of clime.

But what would these learned Greek philosophers have understood from the English version, "*hath determined the times before appointed?*" What times? What connection has this with the main chain of ideas here advanced?

Some commentators say, "*the times*," here, mean the seasons of the year; others, the number of men's days, in reference to the passage in Job, 15 : 5. Others, again, that they refer to the moral and political aspect of nations, their rise and fall, and the measure of their political existence, as in Luke 21 : 24, where it says, that "Jerusalem shall be trodden down by the Gentiles, until '*the times*' of the Gentiles be fulfilled." In this passage, *καίροις* is evidently used with reference to the political and moral condition of nations or races, without reference to their physical situation; but this is the only instance where this word is used, in that sense, in the New Testament, unless it be where it speaks of the "*signs of the times*." It is true, the noun *καίρος*, in the New Testament, is rendered time or times; but it never means the past, the present or future, or any measure of duration. In such instances, the noun *χρονός*, or some other word, is used.<sup>1</sup> *Καίρος* is generally used, in the New Testament, to denote the fit, appropriate, or allotted time; and means, an opportunity, emergency, crisis, or fit season, without reference to date or duration.<sup>2</sup> It is a word of various shades of meaning, which must always be determined from the context. It is used by profane writers as nearly synonymous with the Latin word *modus*, and the English word measure. Hence, it means, the most fit or appropriate time, situation, opportunity, or occasion; and, in Greek literature generally, is as often used with reference to place, as to time.<sup>3</sup> When used with reference to

<sup>1</sup> Ἐπ' ἐσχατῶν τῶν χρόνων, "in the last times." 1 Pet. 1 : 20. Χρονὸς τῆς ἀγνοίας, "times of ignorance." Acts 17 : 30. Καὶ ὡς τεσσαρακονταετὴ χρόνον, "for about the space of forty years." Acts 13 : 18. Ὁ ἑτεραίς γενεαῖς, "which in other ages." Eph. 3 : 5. Μετὰ τοσούτον χρόνον, "after so long a time." Heb. 4 : 7; also 9 : 27; Acts, 15 : 21. Ὅτι χρόνος οὐκ ἔσται ἐνι, "that time shall be no more." Rev. 10 : 6.

<sup>2</sup> Τὸν καῖρον τῆς ἐπίσκεψης σου, "the time of thy visitation." Luke 19 : 44. Ὁ καῖρος ὃ ἔμως οὐπω παρεστίν, "my time is not yet come." John 7 : 6, 8. Οὐ γὰρ ἦν καῖρος συκῶν, "for the time of figs was not yet." Mark 11 : 13. Ἐίδότες τὸν καῖρον, "and knowing the time," i. e. the hour. Rom. 13 : 11; see also 1 Cor. 7 : 29; 2 Cor. 6 : 2; Eph. 5 : 16; Col. 4 : 5. Ὅτι ὀλίγον καῖρον ἔχει, "he hath but a short time." Rev. 12 : 12; Matt 11 : 25; 12 : 1; 14 : 1. Σημεῖα τῶν καίρων οὐ δύνασθε, "cannot discern the signs of the times." Mat. 16 : 3. Ἀχρὶ πληρωθῶσι καῖροί ἐθνῶν, "until the times of the Gentiles be fulfilled." Luke 21 : 24.

<sup>3</sup> Ὑπερβαλλὼν τὸν καῖρον, "overshooting the mark or proper place. Plut. Καίρως δ' ἐπὶ πᾶν ἀριστος, "the best situation for all. Hes. Op. 692; Theogn.

place, it means, its fitness in size or suitableness of locality. As it is used with reference to their moral and political aspect, so it may be with reference to the physical situation of nations. In the former sense, it is used but once in the New Testament. Why, then, may we not render it once in the latter, if the meaning of the other clauses of the passage require it? The subject-matter of this verse is, the physical history of the races, as to their origin and distribution. The chain of ideas seems to be, that they were created, distributed into appropriate localities, and their boundaries set between them.<sup>1</sup> To render *καίρον* "*times*," here, seems not at all congenial to the sense: it seems to be a wide digression from the obvious chain of ideas in the author's mind. We should have no objection to the rendering, but for the difficulty of fixing upon its meaning. What does the word "*times*" here mean? Does it mean, the moral and political aspect or condition of nations, as Cicero did by the *gravissima* tempora — as when he exclaimed, O tempora! O mores! — or as in speaking of the *times* with reference to any period of history — as, the time of Elizabeth, &c.? That I cannot believe; for, in that sense, God "*hath*" not "*determined the times before appointed*." I cannot distinguish such doctrine from rank fatalism — one of the peculiar tenets of the Stoic philosophers, whom St. Paul was addressing on that occasion; yet he told them, in "*all things*" they were too superstitious. Had Paul intended here to teach them the doctrine, that God had predestinated the *times*, or whatever happened to all nations, he might well have reminded them of the sayings of some of their philosophers, as he did of their poets with reference to Omnipotence.

Again: does *times* here mean, the beginning, reign, dominion, rise and fall of empires? or, the commencement and political existence of nations, as where it speaks of the "*times*"

401. *Καίρον περὰ*, "beyond measure, unduly." Esch. Pr. 507. *Μεῖζων του καίρου γαστήρ*, "the greatest longing for an opportunity, as a good appetite for dinner." Xen. Symp. 2. 11. *Ἐσχατος καιρός*, "extreme danger." Pub. Of place, it means, the right or fit place or spot. Thuc. 4. 54. 90. Also, a vital part of the body; hence, *ἐς καιρόν τυπῆναι*, "hit in the vital parts or right place. Eurip. Andr. 1120. *Γὰρ τελευταῖω χάριν καιρόν ἔχουσα*, "having the last favorable opportunity." Thuc. 1. 42. *Τὴν ἀκαιρίαν τὴν ἑκείνου καιρόν ὑμετέρον νομίσαντας*, "considering his unfavorable, your favorable situation." Demosth. Olinth. 1. 16. *Εἰ Φιλίππος λαβοί καθ' ἡμῶν τοιούτου καιρόν*, "if Philip should seize upon such an opportunity against you." Id. *Τὰδ' αὖ ποιῆσαι καιρόν ἔχοντες*, "these things must be done while there is an opportunity." Id.

<sup>1</sup> Homer uses only the adjective *καιρός*, and always in Ill. with reference to place, as being or happening in the right place. See Lex. Lidd, and Scott, et al.

of the Gentiles?<sup>1</sup> This meaning would be equally liable to the objection just stated; for these are but the inevitable results of their moral and political conditions: whatever determines the one, necessarily determines the other. Were the vast extent of the Roman Empire, its rise, decline, and fall, and the over-running of the nations by the Goths and Vandals of the North, and the subsequent sway of Mohammedan dominion, all (*προσέταγμα*<sup>2</sup>) before appointed, or foreordained, by the active in-

<sup>1</sup> Luke 21 : 24.

<sup>2</sup> Adam Clark has it *προσέταγμα*, in four of the most approved ancient MSS., viz., Codex Alex., Codex Vatic., Codex Basil., Codex Bez. See Comm. With this change, the clause would read, "and hath designated the appointed or allotted seasons, situations, or climes," &c.

There are scarcely two commentators who agree upon the exact meaning of this clause. The obscurity and difficulty attending the present English version first led me to examine the original more critically; by so doing, I became satisfied that it was susceptible of a different idea. As to the rendering of the first clause of this verse, I am satisfied that ours is the only consistent and correct rendering that can be given to it; as to the remainder, I am not so well satisfied, and I leave it for the reader to devise a more consistent and satisfactory one, if he can, for himself—having presented the facts.

We expect, this, as all innovations upon the present English version of the Bible do, will provoke the censure of all those who believe more in the inspirations of the popes of Rome, the savans of king James, and ecclesiastical synods and theological professors, than in the authors of the New Testament. But the charitable reader must pardon me for taking the liberty, in this instance, to read and think for myself. This was a part of my college education, that the New Testament was put into our hands in the original. This, with the assistance of the most approved commentators and lexicons, we were required to read for ourselves, independent of ecclesiastical law or sectarian dictation. We were taught to look through the mist of superstitious veneration in which any version might be shrouded, to read and judge for ourselves, and to account weekly to our preceptors for the proficiency we had made. Yet we are not wholly lost to a just appreciation of the English version of the Bible. It is undoubtedly, as a whole, the best translation that ever has been, or ever will be made. In its literary character there is a chasteness and elegance of style, purity of diction, and accuracy of representation of the original ideas, unequalled by any translation of other works. In a Scripture sense, there is a sacred consonance between the very language and the ideas, that by the power of association has become a part of men's moral and intellectual being, as inseparable, within their mental vision, as light and heat. There is a holy prestige pervading its very idioms and phraseology, so inwrought into the taste, feelings, and affections of men, that it would seem to be sacrilege to invade. Hence, no language can now be substituted, to convey the same truths with equal power: and it behoves all to be cautious how they tamper with this sacred treasure. But to say that there is not a single word, or a single passage, fairly susceptible of a different meaning, is more than we are required to endorse. But, if our rendering of this passage be not satisfactory to the reader,



terposition of the Divine Will? Is this what Paul was declaring to the learned Greeks, as the work of creative wisdom and

and he still insists that it means all nations collectively, then we submit whether these universal terms are not used in a limited meaning in the text, as in numerous instances that have been and may be cited. The frequent use of universal terms, in the Scriptures, in a limited signification, renders it unsafe to predicate any idea of universality upon them, except from the positive requirement of the subject-matter of the text. See quotations, above, of the word *πας*, p. 156, n. 1; *infra*, p. 163, n. 1.

The doctrine of a plurality of original creations for the human family is by no means new. For it was believed and expounded by a learned Rabbi of the Apostolic age, in a commentary on the Pentateuch, known as the Targum, "Relation between Scriptures and Geology," by Rev. G. P. Smith, p. 393. The words of the Hebrew Targum are, that God originally created men red, white, and black. Said Dr. Morton, "I have invariably, when treating of this subject, avowed my belief in the aboriginal diversity of mankind, independently of the progressive action of physical causes. I now venture to give a full and somewhat modified explanation of their origin." For which see "*Crania Americana*," p. 83. "*Crania Egyptiaca*," p. 37. "Distinctive Characteristics of the Aboriginal Race of America," p. 36; and "Hybridity of Animals considered with reference to the Unity of the Human Species." *Am. Jour. Science*, 1847.

The passage in the Targum, above referred to, has reference to Gen. 1 : 26, 27. "And God said (*Ποίησωμεν ἄνθρωπον*), *Let us make man*," &c., "and [*ἀρχέτωσαν*] *let them have dominion over the fish of the sea*," &c. "And God (*ἐποίησεν ἄνθρωπον*) *made man*, &c., (*ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς*), *male and female created he them*." Such language as this could hardly refer to a single individual. Man in its widest sense means the whole human family, and would seem to refer here to the genus homo. If it meant but one man, the Greek text would read [*καὶ ἀρχέτω*] and let him have dominion, &c. But there rather seems to be a plurality of them, hence "let *them* have dominion," &c.; and "male and female created *he them*." And the Targum says they were "created red, white and black." I have quoted the Septuagint as the best acknowledged authority upon the Hebrew text. The article seems to be used or omitted arbitrarily with reference to man in the several verses of the second chapter, by the English translators. According to the Greek text there is no possible reason for the use that is thus made of it. "And Adam called the name of his wife Ζωή [life, existence], because she was the mother of all the living," Gen. 3 : 20. But who named Adam? he must have taken his name from the import of the term, which means [in the Heb. Ch. Lyr. Etta. Ar.] man, primarily the human species, mankind, &c., N. Web. "*This is the book of the generations of Adam*," [Greek *γενέσεως ἀνθρώπων*], "and this is the book of the generations of men [instead of Adam], Gen. 5 : 1. "*Male and female created he them*;" "*and called their name ADAM*" [or man, or mankind]. The name Adam seems to be used in the Scriptures sometimes in a generic and sometimes in an individual sense: it seems to apply to created man, in contradistinction from man that is born of woman.

People of a common stock may have had several or many origins. Such appears to be the fact not only with men, but all the inferior animals. We are nowhere told that they were created in a single pair, but

power? Some say it means their respective seasons. This is far less objectionable; for their seasons, as to their length, character, &c., would result necessarily from their physical situations or climes, and differ in nothing materially from what we understand from the passage. I think it cannot be successfully contended, that *καίρους* does not here relate to physical subject-matters or things; whether it be the seasons, or situations, or climes of the nations, it is of but little consequence. Why, then, may it not be rendered, appropriate situations or climes — thus: and hath determined their appropriate climes, before appointed (or allotted or set apart for each), and the boundaries of their habitations? Here there is no digression from the main chain of the ideas. The participle *ὀρίσας* is derived from the root *ὅρος*, which means, a boundary or limit, and was originally applied to a field: it is here used to designate both the *καίρους* (climes) and the *ὁροθεσίας κατοικίας* (boundaries of the habitations). It seems to have the same meaning in both members of the sentence, connected and continued by the force of *καί*, and *τὰς ὁροθεσίας* seems to be thrown in intensively. The *πάν τὸ προσώπων τῆς γῆς* (every face of country or variety of clime), the *καίρους* (appropriate seasons, situations, or climes), and the *κατοικίας* (habitations), all seem to relate to the same subject-matter, modifications of the same thing, and their correlative significations to be essential to the continuity of the idea. So far they seem to be convertible terms: the one meaning the thing inhabited; the other, the habitation.

And, as the idea of boundaries applies more appropriately to a region of country, or situation, or clime, than to any thing else, applying the philosophy of language to that of things, I conclude that the following is a legitimate construction of this passage: —

[God] *hath made of one blood each or every race or type of men, to dwell in, or inhabit, each or every variety of clime or face of country; having designated their appropriate sea-*

rather, "Male and female created He them." Nérig. Hist. R. i. p. 37. Will any one pretend that the millions of millions of living calcareous polythamia, discovered in a single cubic inch of marl taken from the late deep sea soundings on the coast of the United States, were created in a single pair, or had their origin in Mesopotamia? "Les libres Juifs n'entendent pas etablir que leur premier homme ait été le père du genre humain, mais seulement celui de leur espèce privilégiée. Il ne peut conséquemment y avoir aucune impiété à reconnaître parmi nous plusieurs espèces qui, chacune, auront eu leur Adam et leur berceau particulier." Berg. de St. Vincent, L'Hom. i. p. 66.

*sons, situations, or climes, before appointed, or allotted, and the boundaries of their habitations.*

This differs materially from the present English version. The one, it is contended, means, that God hath made all nations of men, collectively, from one original blood, or stock, or parentage. The other, that he hath made each nation, respectively, from one blood or parentage. It is contended, that the one teaches the unity and common origin of all mankind; the other teaches, that there may have been a plurality of original races, each descending from their respective originals. Which of these theories is true, we leave for the reader to conclude for himself, after presenting the facts.

The Apostle, in the discourse from which this quotation is made, was treating upon the attributes of the Deity. He was striving to impress upon his hearers an idea of the awful grandeur and majesty of his being; he illustrates this by alluding to the wonderful exhibitions of power, wisdom, and goodness, in his acts of creations; had it been his object simply to assert that the human race had sprung from a single source, he might have employed fewer words and different language. But he rather shows that the Creator had not only formed every nation or species of men from one source, but that he had first formed the several portions of the earth to be their habitations and then adapted them to their respective climates and physical divisions, appointed them their several locations and set bounds to their habitations.

The passage thus presents a glimpse at the great sciences of Geology and Ethnology. The idea that he hath appointed the locations before determined, evidently refers to the intermediate changes and fitting up of the earth, by geological phenomena, for the habitation of man. It seems to be intended as an exposition of the Mosaic account of the origin and distribution of the human race.<sup>1</sup> And although the construction which we have put upon it harmonizes perfectly with known truths as developed by modern science, yet we should be very reluctant

<sup>1</sup> It could not be expected that the English translators, under their royal instructions, would presume to innovate, in rendering this passage, upon the commonly received dogma of that day relative to the Mosaic account of the origin and distribution of mankind. See Instructions, sup. p. 126.

If God has made from one source every nation of man to inhabit every different portion of the earth, who can say that he did not form them into the varieties in which they are now found in those regions? How could they be made to inhabit them unless they were suited to the climate, and destined for a specific mode of life?

to adopt or reject any construction of Scripture language, simply on account of its apparent harmony or conflict with any human theory, except where such theory is based upon demonstrable truth.

In that case, from the established laws of belief, the mind is forced to seek out some construction of the language compatible with the demonstration, or admit that the Scriptures are inconsistent with themselves. To attempt to silence reason in such a case, to draw the veil of monastic bigotry over the truth, and to control the intellect by the terrors of hell-fire, is to do violence to the constitution of the human mind. Belief is matter of evidence, and not of will; over which man has no more control than he has over "the wind that bloweth where it listeth." Demonstration carries with it irresistible conviction; and mankind are only accountable for their belief so far as they have neglected to keep their minds justly susceptible of the proper influence of evidence. Suppose, for instance, that Moses had, in some of his writings, attempted some remarks upon Geometry, in which he had said that the sum of the squares of the two legs of a right-angled triangle was equal to twice the square of the hypotenuse; when we come to test the apparent meaning of this language, by the demonstration of Euclid, who would deny the necessity for seeking some explanatory construction such as to reconcile it with known truth. The perfect equality of these parts is a truth "from everlasting to everlasting," unchangeable, "the same yesterday, to-day, and forever." It is a necessary existence which it is impossible to conceive to be otherwise." In this sense it is said that "God is truth." That his "Word" is also truth, "forever settled in the heavens." But we need not be confined to hypothetical cases for our illustration; we may cite those of reality. Take, for instance, the command of Joshua to the sun to stand still; by that language the idea is apparent that the length of the day is governed by the motion of the sun round the earth, which brings the Pentateuch in conflict with the Principia and the Copernican theory of the heavenly bodies, which are based upon demonstration. Here again the mind is forced to the conclusion that this language cannot be understood in its literal sense. So likewise in the account of the six days' creation, the recent geological developments force the mind back through the dim twilight of the past to a remote period in the antiquity of nature, where reason falters as upon the boundaries of eternity, and the light of the imagination dies away in the welkin beyond.

Compared with the period actually fixed by the Mosaic narrative, it is as a thousand years to a single day.

Take, again, the apparent philosophy of Moses in relation to a "firmament in the midst of the waters, and let it divide the waters from the waters." (Gen. 1 : 6.) It cannot be denied that an allusion is here made to the common notion of all antiquity of a material firmament. The Greeks and Romans believed it was made of brass; others supposed it was of crystal. And Moses, it seems, could not satisfy the minds of the Jews as to the rain that descended from heaven and drowned the earth without interposing a material firmament that divided the waters from the waters, "and the firmament was called heaven;" hence he says, "the windows of heaven were opened," &c.

We propose, in the remainder of this essay, to adduce facts for the consideration of the reader, and to suggest the inquiry whether the commonly received notion of the Mosaic account of the origin and distribution of the human race (which is that by the natural law of propagation the whole human family have descended from a single pair called Adam and Eve), is not as manifestly at variance with demonstrative truth, as either of the instances above cited. We shall adopt no theory, assume no position as our own, but simply present an impartial array of facts and leave the reader to form his own conclusions. We simply premise that we believe the diversity of species or types of mankind is as much beyond the power of natural causes and as much implies the miraculous interposition of the hand of the Creator, as the origin of man itself. At what stage in the progress of human origin and distribution, and in what manner these diversities were formed by the Creator, it seems to be difficult to determine in our present state of knowledge. Whether they were formed from one original stock which was alone created from the dust, as the various languages were formed from one original at the "confusion of tongues," or whether they were originally created in distinct species, is immaterial to the gist of our argument. If mankind were formed by the direct hand of the Creator into different species, with all the mental and physical peculiarities that now distinguish them, and adapted by Him in their several classes, susceptibilities, ranks, and gradations, to inhabit the various climes and physical divisions of the globe, then they must have been originally designed for peculiar modes of life, and distinct grades in the rank of civilization, as well as in scientific and intellectual improvement.

The language of the Apostle above quoted, was, doubtless, intended as an exposition of the Mosaic account of the origin and distribution of the human family over the earth; and the construction which we have put upon it, as we shall see, can alone reconcile it with demonstrative truth in the ethnological history of man.<sup>1</sup>

It may be remarked that the divine legation of Moses might have related only to the affairs of the Jewish nation;—that the Jews were in his estimation the human race, *par excellence*, and that his writings, in a literary and philosophical point of view, are but a history of the origin, rise, and progress of that peculiar nation. He was raised up by a special providence to be their deliverer from Egyptian slavery, to conduct them safely through the mysterious paths of the sea, to lead them across the desert wilds of an unknown region. His history of these events seems to be designed as a narrative of their trials and sufferings under Pharaoh, of their miraculous delivery from the house of bondage, and preservation through the wilderness. Though he begins back with the history of the creation of the world, and of all its inhabitants, it is but to trace the hand of the Creator, and his design seems only to be to narrate such a series of the precursory providences of God as conspired to fulfil this promise to Abraham, the planting of Israel in the promised land.

In his genealogy of the several generations from Adam, through Noah and family down, he pursues them no further than is necessary to get at the paternal ancestors of Abraham, the founder of the Jewish nation. His object seems to be, to trace back the origin of the children of Israel to the immediate hand of God, rather than to give any general history of the origin and distribution of the human race.<sup>2</sup> The use of

<sup>1</sup> “Even Dr. Pritchard, the Magnus Apollo of the theory of the unity and common origin of mankind, in the last page of the fifth and last volume of his great work, gives it as his matured opinion, that the human race has been chilliads of years upon the earth. He also admits the deluge was but a partial phenomenon, and that no known physical causes could have produced the existing diversities among men.” (Morton.) But it may be that some of the blood of the defunct types was preserved in the ark (as contended for by Mr. Fletcher), and that the curse of Noah upon the descendants of Ham was but a declaration of the physiological fact that they would possess the color, as well as the physical and mental characteristics of the people of Africa: we have no objection to such a theory.

<sup>2</sup> Hence, in the fourth chapter of Genesis, we lose sight of Cain and of his generations: how long he lived, where he died, or who was his wife, we are nowhere informed; and, what is still more singular, we are left

universal terms in a limited sense, throughout the Scriptures of both the Old and New Testaments, is so frequent that they will have but little weight in the history of Moses towards establishing its general character.<sup>1</sup> Therefore, the history of Adam and Eve may be understood as an account of the origin of the peculiar type of man to which the children of Israel belonged, and perhaps the figurative or representative idea of the origin or formation of all other species; or, that each species or type was distinctly formed, and suited to the region it was to inhabit, at the confusion of tongues and the dispersion of the races.<sup>2</sup>

It may also be remarked, that the author of the Pentateuch always spoke after the manner of men, or, in other words, adapted his language and observations to the knowledge and notions prevalent in the age in which he wrote. Hence the command of Joshua to the sun. And it will not be pretended that the children of Israel, admitting that they were learned in all the wisdom of the Egyptians, had any knowledge of the remote parts of the earth from Palestine. Egypt, Arabia, a limited portion of Northern Africa and Western Asia, circum-

in the dark as to the age, death, and burial of "*Eve, the mother of all the living*," the most important personage in the human family.

<sup>1</sup> "As Jehovah thy God liveth, there is no nation or kingdom whither my soul hath not sent me to seek thee," &c. 1 Kings 18: 18. "And all the earth sought the face of Solomon, to hear his wisdom." 1 Kings 10: 24. "And the channels of the sea appeared, the foundations of the world were discovered." 2 Sam. 22: 16.

"And the whole earth was of one language," &c. Gen. 11: 1. Does this include China, Lapland, Patagonia, Peru, and New Holland? "And the queen of the South came from the ends of the earth to hear the wisdom of Solomon." Matt. 12: 42. "And it came to pass in those days, that a decree went forth from Cæsar Augustus that *all the world* should be taxed." Luke 2: 1. "I have set thee to be a light of the Gentiles, that thou shouldst be for salvation to the ends of the earth." Acts 13: 47; Isa. 47: 6. "Yes, verily, their sounds went into *all the earth*, and their words unto the *ends of the world*." Rom. 10: 18. Ps. 19: 4.

<sup>2</sup> It is well established that the different species of man cannot be accounted for upon physiological principles—nothing less than a miracle could have produced such an effect: it matters not, then, how this miracle was wrought, whether by the transformation of mankind into different species after their creation, or by creating them in varieties. The confusion of tongues would be no less a miracle than such a transformation. And we say that the Creator might as well have formed the different species by suiting them to the different regions, when He dispersed them abroad over the earth from the tower of Babel, as to have formed from one all the varieties of language which they should speak, so that they would no longer understand one another. Either is a miracle, and one quite as probable as the other.

scribed the knowledge of the earth of the Pharaonic Egyptians themselves. And in the use of general terms by the writer of Genesis, &c., as the whole world, all mankind, and the like, this portion of the earth could reasonably be the only one included in the remark. And hence it becomes the limits of the geography and ethnology of the Mosaic history.

It would be wholly inconsistent with the economy of Nature, as everywhere exhibited, to disperse abroad, from the single region of Mesopotamia, all the different races of men and animals to the most remote parts of the earth, and leave them to perish, die out, and become extinct for want of adaptation to the climate and region which they were destined to inhabit; or, to leave them to the slow, tedious, and destructive process (if such were possible) of peopling the earth, by undergoing such changes in their physical organization and mental character as to enable them to live in the various zoological locations in which they may now be found.<sup>1</sup>

It is a natural and fixed law of the animal and vegetable kingdoms, that each genus, and even species, is suited to the elements in which they dwell—both the fish of the sea, the fowls of the air, and the trees of the forest, the plants and flowers of the field, and beasts to the regions in which they are found. And this analogy holds good throughout the entire economy of Nature. So true is it, that, reasoning *à posteriori*, the growth of the vegetation and animals of any region being given, the climate and physical character of the country is at once determined.<sup>2</sup> It is an imposing zoological fact, that the different types of mankind have each a distinct fauna or

<sup>1</sup> Such doctrine leaves the world to have been peopled by chance, against the laws of Nature. But, in this, is it possible that the Caucasian would ever have become a Negro? As well might it be said that the noble Newfoundland dog was from the German Poodle or the Beagle. It is said that unless all men descended literally from the Mosaic Adam, then the great plan of redemption is defective and false: this is, however, a *non-sequitur*. The Mosaic narrative may be the figurative or representative idea of the origin of every type or race of men, all of whom are sinful in their earthly nature, and all included within the pale of the great plan of redemption. 1 Cor. 15, 45, 47, 48, 49. 2 Cor. 5: 1. John 3: 31. Rom. 8: 29; 5: 14.

<sup>2</sup> In certain coal deposits, and among the fossil remains of high northern localities, there are found the remains of certain plants and animals that are known to exist only in the tropical countries (such as the coal deposit near the mouth of Mackenzie river, and the fossil remains of elephants in Siberia and other high northern latitudes). Hence the conclusion of geologists, that a tropical climate once pervaded those regions. Lyell's P. Geol.



type of animals, that may be naturally classified with them, and limited to the same zoological location.<sup>1</sup> Hence, it would be as preposterous to contend that the multifarious species of the genus horse, or cow, or dog, or any other class of animals that may be found so widely different in different zoological locations, have all descended from a single pair, or a common stock or blood, as to contend that this is true of the human species.<sup>2</sup>

The anomaly in the laws of nature would be equally manifest in forcing either men, animals or plants into a clime uncongenial to their growth, and unsuited to their natures.

But we appeal to well authenticated facts in the physical history of man.

The recent developments of Chevalier Lepsius, and others, in Egyptian researches, establish beyond a doubt, a date for the termination of the twelfth dynasty of Egypt, at least twenty-three centuries before the Christian era—a period, according to the best biblical chronology, nearly cotemporary with Noah's flood.<sup>3</sup>

<sup>1</sup> See Essay of Prof. Agassiz, in *Types of Mankind*, Part First. This fact, established by that learned professor, is one of the most imposing in the whole range of Natural History. It leads to the inevitable conclusion, that the human race and the animal kingdom have been governed by the same laws in their origin and distribution.

<sup>2</sup> If mankind are progressive or variable in their type, what could limit their variations? Why are they not constantly going on? Has the human species attained to every possible variety? There has not yet been any alteration in their varieties since the earliest glimpses of their history: when did these variations begin, and when will they cease, if they are not fixed facts in the physical history of the races?

<sup>3</sup> The generations from Noah to Abraham were ten: Shem, Arphaxad, Salah, Eber, Peleg, Reu, Serug, Nahor, Terah and Abraham. According to biblical chronology, Abraham was 58 years old at the death of Noah. Noah died 350 years after the flood, aged 950 years. Abraham, then, was born 292 years after the flood. He was 75 years old when he went up out of Ur of the Chaldees, the land of Haran, to go into the land of Canaan. Accordingly it must have been, according to the Mosaic account, about 370 years after Noah's flood that Abraham went down into Egypt; yet he finds there no acquaintance or kindred, but, on the contrary, he finds a great empire, composed of millions of strange people, and beholds, standing around him, pyramids and temples erected by this more ancient and distinct race, with records, hieroglyphical and hieratic, written in a language to him foreign, and dating back more than 2000 years before his birth. Is it possible that this empire could have sprung from the family of Noah?

“Whence that curse we call primeval sin?

’Twere Adam's children breeding IN AND IN.”—MORTON.

When Cain went down into the land of Nod, he must have found a wife, neither his sister nor his niece.

Upon the monuments of this dynasty are found delineated, in sculpture and paintings, several of the different types of man. The same author traces these records of stone back to the fourth Memphitic dynasty, the oldest sculptural representations of man now extant. And even here, in these remote evidences of the first footprints of man upon the earth, are monumental evidences of Egyptian Pharaohs striking at Asiatics, and perfect delineations of two distinct types of men about five thousand years old. If there then existed two distinct types of mankind within the range of the geographical knowledge of Egypt, five thousand years ago, or as far back as we have any historical evidences of any kind upon this subject, and the same identical types, or their vestiges, are still found in the same locality, there is reason to believe that there were then as many distinct types, located in the various portions of the earth, as are found in those localities at the present day.

In the delineations of the several species of men in the reliefs of Egyptian art of the twelfth dynasty, there are exhibited four distinct types or classifications, with lineaments as widely different and as distinctly marked as those of the living specimens that now people those regions. The figures that may be seen in plates, on a folio scale, in the great works of Belzoni, Champollion, Rossellini, Lepsius, and others, copied from the tombs, monuments and pyramids of Ancient Egypt, show conclusively that the physiognomy of the Egyptian (or Mongolian complexion of the present), the yellow or Malaysian, the white or Caucasian, and the black or Negro types or races, thirty-five centuries ago, were identical with those of the present day.<sup>1</sup> Says Dr. Nott: "I know of no Archaeologist of respectable authority, at the present day, who will aver that the races now found throughout the great valley of the Nile, and scattered over a considerable portion of Asia, were not as distinctly and broadly contrasted, at least thirty-five centuries ago, as at this moment. The Egyptians, Canaanites, Nubians, Tartars, Negroes, Arabs, and other types, are as faithfully delineated on the monuments of the seventeenth and eighteenth dynasties, as if the paintings had been executed by an artist of our present age."

If these distinct features of the four different races of men found in Egyptian sculpture, were as manifest thirty-five centuries ago as they now are, and the long period of three thou-

<sup>1</sup> These plates may be seen in miniature in the *Types of Mankind*, on folio scale, in Harvard College library.

sand and five hundred years has made no inroads upon their lines of demarkation, but left them identically the same, how far back into the eternity of the past must we trace these lines of descent to bring them to a termination in a single point?

If they have run parallel for near four thousand years, what is the geometrical conclusion with regard to their ever meeting in the past? and what must be our hopes, expectations, and theory, with regard to their destiny in the future?

But the ancient Egyptians could include in their divisions only such nations as were then known to them; and if the Egyptian ethnographers, four thousand years ago, found the same diversity of features and complexions, and were puzzled with the same different types of men, within the limited circumference of their geographical knowledge, what must we conclude with regard to the nations totally unknown to them?

They were not a commercial people; they were a nation within themselves, tenacious of their own arts, government, manners and customs, and much like the Chinese, locked up within the limits of their own territory. They could have possessed no knowledge of the nations of the earth except within the immediate valley of the Nile, Arabia, and a limited portion of Western Asia. Of the great cotemporary nations, China, Australia, Northern and Southern Asia, Central and Southern Africa, Europe and America, the Pharaonic Egyptians knew nothing.

If, then, climatic influences have wrought no change in the physiology of these ancient classifications, handed down to us, distinct and entire, from so remote a period, what must we conclude with regard to all the other different species of men now found scattered over the wide surface of the globe?

If the varieties of complexion, features, and physiology, observable in the different species of mankind, is to be attributed to climatic and other influences, as is contended by Dr. Pritchard, and other advocates of the unity and common origin of the human race,<sup>1</sup> why is it that we, on the one hand, find such vast scopes of country, presenting every variety of climate, soil and production, from the frigid to the torrid zone, often peopled by nations of a single type, presenting the same general features and normal characteristics? In such instances, certainly, the varieties of species do not correspond to the va-

<sup>1</sup> Natural History of Man, by Dr. Crowls Pritchard, the acknowledged orthodox authority upon the unity and common origin of mankind, for the last half century.

rieties in climate, &c., which, according to the above theory, would seem to be natural.

Take, for instance, the whole continent of America, as far as it extends, from pole to pole. The aboriginal tribes of this immense belt, equal to one-half the circumference of the earth, were wholly unknown to the Egyptians, the Greeks and Romans; and when the continent was discovered, less than four centuries ago, it was found to be inhabited from the Arctic to Cape Horn, and from ocean to ocean, by a population displaying peculiar physical traits unlike any race in the old world; speaking languages bearing no resemblance in structure to other languages, and living everywhere among animals and plants specifically distinct from those of Europe, Asia, Africa, and Oceanica. Yet they possessed no aberrant peculiarities as to one another, sufficient to distinguish them into separate species, or types. They all, from the polar regions of the North to the South, possessed the same complexion, facial contour, and physical conformation. Says Dr. Morton, "All possess, though in various degrees, the long, lank, black hair; the heavy brow; the small, dull, and sleepy eye; the full, compressed lips; the salient but dilated nose;"<sup>1</sup> and, we may add, the copper complexion, broad mouth, high cheek bones, and small square heads."

These characteristics are blended in the most civilized and savage tribes, along the rivers and sea-coasts, in the valleys and on the mountains; in the prairies and the forests; in the torrid and the ice-bound regions; amongst those that live on fish, on flesh, or on vegetables.<sup>2</sup>

The vast regions inhabited by the Mongolians in Asia present instances of a similar character. That vast race of beings known as Esquimaux in America, and under the names of Laplanders, Samoiedes, and Tchuktshes in the north of Asia, so well known since the voyages of Captain Cook, and the Arctic expeditions of England and Russia, differs widely from the Indian of North America, the white of Europe, and the Mongols of Asia, to whom they are adjacent; yet they are all stamped with the same general conformation so as to be classed under a single species. Again, the vast region of New Holland, stretching from ten to forty degrees of south latitude, in its population, animals, birds, insects, and plants, is totally different from any other portion of the globe.<sup>3</sup>

<sup>1</sup> *Crania Americana*, Morton, p. 260.      <sup>2</sup> *Types of Mankind*, p. 275.

<sup>3</sup> Essay of Prof. Agassiz; *Types of Mankind*, Pt. i.

“The men,” says Dr. Nott, “present altogether a very peculiar type; they are black, but without the woolly heads and other characteristics of the negroes.” “Beyond, we find Van Diemen’s Land, reaching to the 44° south, which presents a temperate climate not unlike that of France; and what is remarkable, its inhabitants, unlike those of New Holland, are black, with frizzled heads, very similar to the African race.”<sup>1</sup>

Under the same parallels, and extending even farther south, lies New Zealand, where commence the beautiful Polynesian race. And what is still more wonderful, they are of a light-brown color, have smooth, black hair, and almost oval faces; they include, with various islands, near half the circumference of the globe.<sup>2</sup>

On the other hand, take, for instance, the single distinguishing peculiarity of color, and we find it impossible to account for its varieties in different species upon any hypothesis, for the distribution of mankind, founded upon the unity or common origin of the whole human race, and the effect of climatic and other physical influences alleged by its advocates.

In the highest hyperborean regions where human foot-prints can be traced, there are found colors and complexions darker than others under the burning climes of the Torrid Zone.<sup>3</sup>

The Samoiedes and Tchuktshes of the extreme north, are said to be much darker than the Tuaricks of Soudan in Central Africa. Among the Mongols, also, there exist various shades, not confined to any zone, locality, climate, or condition. In India, also, we meet with people of all shades, from fair to black, who have been living adjacent to each other from time immemorial. The Rohillas, who are blonde, and situated south of the Ganges, are surrounded by the Nepauleans with black skins; the Mahrattas, with yellow; and the Bengalese of a deep brown color. And yet the Rohillas inhabit the plains, and the Nepauleans the mountains.<sup>4</sup> The same is true of the inhabi-

<sup>1</sup> Types of Mankind, p. 71.

<sup>2</sup> U. S. Exploring Expedition of Wilkes and D’Arville in the South Pacific, 1849 and 1850.

<sup>3</sup> Types of Mankind, p. 64.

<sup>4</sup> Des Moulins des Races Humaines, p. 169. All the intermediate shades from white to black are found in those races of oval faces, large facial angle, smooth hair, which Blumenbach ranks under the head of Caucasian. Commence, for instance, with the fair Fins and Slavonians with blonde hair, and pass successively through the Celts, Iberians, Italians, Greeks, Arabs, Egyptians, and Hindoos, till you reach the inhabitants of Malabar, and you find these last to be as black as negroes. M. Jaquinet, Caus. Anthro. &c.

tants of Africa; here you find every tint from the pale yellow Hottentot and Bushman, to the dusky brown Caffir, and the coal-black negro of the tropics and confines of Egypt.

The Ioloffs of Senegambia, between the Senegal and the Gambia, the most northerly negro nation on the western coast, are of a fine, transparent, deep black; while the Mandingos and the Fulahs, of the same region, are said to be of a light mahogany color, with good features, and hair more or less straight. They pass themselves for white people, and look down upon their neighbors as inferiors; they resemble the Hindoo more than the negro.<sup>1</sup>

Take, again, for instance, the anatomical structure of the head, the facial angle, and comparative anatomy of the several races; the same difficulties arise to the adoption of any preconceived notion as to their origin and distribution, predicated upon their universal equality, relationship, or common origin. The learned researches of modern science in the catacombs and upon the monuments of ancient Egypt, have traced these anatomical peculiarities and varieties to the earliest foot-prints of man upon the face of the earth. It appears thus to have demonstrated the great truth that climate and mode of living have no influence in radically changing or assimilating the varieties of the human species. Destroy them it may, and does, but it cannot change the physical or mental peculiarities, or convert them into different types.

Where, then, do we find the physical or mental evidence of the universal equality or unity of the races? The further we trace back the record of the past, the more broadly marked do we find all human diversity. In no part of Europe, at the present day, can be found the striking notes of contrast which Tacitus describes, still less those represented in the more ancient pages of Herodotus.<sup>2</sup>

No climate or condition can radically diversify or assimilate the different races in their comparative anatomy, any more than in their color. The Fuegians of Cape Horn, the Hottentots and Bushmen of South Africa, and the people of Van Diemen's Land, are the varieties that, under similar parallels of latitude, differ most. Such differences in races are also found in the tropical regions, as seen in the Negro in Central Africa, the Indian in America, and the Papuan in Polynesia. In the temperate zones, in the Old World, the Mongolians and Cau-

<sup>1</sup> Godberry. See all authorities cited in D. Eichthal. *Types of Mankind*, p. 188.

<sup>2</sup> Knox, *Races of Man*, Philad. ed. p. 30.

casians, and the Indian in America living in similar climates, yet wholly dissimilar in themselves.<sup>1</sup>

Where, then, shall we look for unity and universal equality in the creation and intellectual endowments of men, and their universal capability of rising in the scale of civilization, the development of the sciences and the progress of the arts? How stand the facts in history, as opposed to the oft-mistaken theory of the Declaration of Independence?

From the vast field that is laid open before us, we shall select but a few instances, to illustrate the truth that is presented in answer to this question.

Student of American history! look at the past and the present, and say, upon any principle of human probability, what must be the future and final destiny of the numerous tribes of aborigines that once peopled their cheerless realm in the wilds of the New World? How stand they affected to the habitations of civilized man? Where now are the contemporaries of Columbus, the adorers of the children of the sun? Where now are the kind recipients and friends of De Soto? the captors of John Smith? the descendants of Powhatan? and the numerous tribes that once ranged along the southern Atlantic coast? Where now are the brave Pequods and the hostile Narragansetts that once chased the fleet deer over the hills and inhaled free the mountain air of New England? Where now are the scenery and landscapes of their hunting-grounds, and their wigwams, hung around with the trophies of war? They have all vanished from their native hills and plains, like scenes of mirage upon the Egyptian deserts, that float upon the wings of the wind. Where now are the once-powerful Chickasaw, Cherokee, and Choctaw nations? Are they not fast fleeing before the light and progress of civilization, and gradually fading away in the far West, like the waning shades of night before the opening eyelids of the morning? Nature has prescribed the final limits of their zoological location, and destined them for a specific mode of life. They can live only as the unsophisticated sons of the forest. As their hunting-grounds are gradually taken from them, nothing but the stern and hopeless alternative of extermination awaits them. Their lungs cannot breathe the air of civilized man; their eyes cannot endure the light of science and the progress of arts. Like the elk and the bison, they skulk from the view, and hide themselves in the deep shades of the wilderness. What does their history teach us but mental and physical inferiority? and that the less

<sup>1</sup> Types of Mankind, p. 77.

intellectual races are doomed to eventual extermination in all those climes where the higher groups of the fair-skinned family can permanently exist? The entire race of the Gaunches, at the Canary Islands, was exterminated by the Portuguese during the thirteenth and fourteenth centuries — not a living vestige remains to tell the tale.

Some of the pre-Celtic inhabitants of Britain, Gaul, and Scandinavia seem to have shared a similar fate. Sixteen millions of aborigines in North America have dwindled down to two millions, since the landing of the *Mayflower* at Plymouth Rock; and their congeners, the Caribs, have long been extinct in the West India Islands. The mortal destiny of the whole American group, like the sands in Time's hour-glass, seems to be fast running out. Of the four hundred thousand inhabitants of the Sandwich Islands, far less than one hundred thousand survive, and these are daily sinking beneath the influence of commerce, civilization, and rum. In New Holland, New Guinea, many of the Pacific islands, in Africa, and other parts of the world, the same consequences are following the labors of proselytism and the influence of civilization!

The ancient Moors fled from their former habitations over the waters of Gibraltar, and were long known only as roving corsairs upon the Barbary coast. On the other hand, where now are the august colonnades that towered along the banks of the Tiber, and adorned the ancient seat of Roman greatness, upon its seven hills? Where are now the lights of Athens at the zenith of her glory? Argos with its hundred eyes, and Thebes with its hundred gates? The crescent has supplanted the cross over the eastern empire of ancient Rome; "the turbaned Arab has trod in mockery over the tombs of the Scipios, and the enervate Ottoman blasted the fairest fields of Grecian art."

And why have these ancient lights, like Pompeii, slumbered in the darkness of ages? Shall we be told that nature has put an interdiction on their revival in the present physical character of these ancient seats of literature and learning? The same salubrious clime now breathes its sweet gales over Greece that did in the age of her classic days; the same lofty hills and verdant plains now adorn and beautify her scenery that did in the days of her poets and philosophers; yet the eloquence of Demosthenes is no longer heard in her country, no gods dwell in Parnassus, nor "the nine longer hallow her helicon springs." The names of her heroes, poets, and philosophers, are known only in her history and ancient song.



The same breeze, too, still blows over Rome that wafted Sabeian odors and spicy gales over the imperial city ; the same moon and stars now look down upon her that saw the rise and fall of her mighty empire ; but all else how changed ! No Cincinnatus now commands her arms, no Cicero now watches over the destinies of the Republic ; but these ancient trees of knowledge have sown their seeds broadcast upon the world, from which, like the fabled teeth of the dragon, will spring up armed men, to strike for their homes, the land of their sires ; to disentomb the birthplace of heroes, poets and philosophers, from the grave of centuries, and call up their slumbering ghosts, like the Phœnix spirit, from their own ashes. Genius is progressive, and the natural course of the human mind is upward and onward in all nations where the intellectual predominates over the animal. To what, then, can be attributed this retrogradation in the progress of society, but to the intellectual inferiority of the present dominant race.

Turn now to benighted Africa ! Take a stand upon some summit of the central highlands that intersect the continent, or upon the high table-lands of Abyssinia ; lift the sable curtain and look out to the south upon this dark corner of the earth. Behold the fifty millions of human beings that skirt her borders and roam over her plains. Behold them polluting with the blood of heathenism and despair, the most exuberant soil under the sun ; staining with the smoke of human wretchedness the sweetest scenery ever eye reposed on ; and tainting the most salubrious clime with the incense of degradation and woe. How long have they been thus brooding in the region and shadow of death ? When will the blackness of darkness that is lowering in gloomy clouds over the land be scattered away ? And when will the dawning light of a brighter day beam upon her ? We may light up the dark picture with the distant twilight of faith ; we may cast upon its dark scene the faint glimmering of religious hope ; but, alas ! how soon they vanish in the dark chasm that is yawning before us !

Let us pause, for a time, to dwell upon the condition of this mysterious people. It is contended by the advocates of the common origin of mankind, that Africa was peopled by Asiatic emigrants into Egypt ; that these wanderers passed on, step by step, across the deserts, over the mountains, through the marshes and plains, gradually changing their physical organization under climatic and other local influences, until the whole continent, from the Mediterranean to the Cape of Good Hope, became inhabited by the various races and tribes that are now

found scattered over the various faces of the country. But it seems never to have occurred to them, that those distant latitudes, south of the great desert, could not have been reached by sea; for the compass, and nautical skill necessary for exploring this yet unexplored ocean, were yet unknown to the world; neither, that Central and Southern Africa could not have been explored by caravans from the Mediterranean coast, prior to the introduction of camels from Asia, through Egypt, into Barbary—and this epoch is well ascertained to have antedated the Christian era but a short time. Yet it is asserted by Lepsius, and others, whose researches have demonstrated the fact, that the negro races existed in these regions more than two thousand years before Christ. They existed here, too, in despite of natural barriers that could not have been passed by any means previously known. Besides, it is shown that all the four African races have, from the earliest epochs, spoken languages radically different from every Asiatic tongue. Linguistic researches have established, that prior to the introduction of Asiatic elements into the lower valley of the Nile, the speech of the ante-monumental Egyptians could have borne no affinity to the latter. Lepsius, De Rouge and Birch, our highest philological authorities on this question, concur in the main principle that the lexicology deduced from the earliest hieroglyphics exhibits two elements, namely, a primary or African, and a secondary or Asiatic superimposed upon the former. It is also shown, that if the Syro-Arabian engraftments were deducted from the present Nubian and Berbec vernaculars, spoken above and westward of Egypt, these languages would be as purely African now as must have been the idioms uttered by the Egyptian ancestry of those who raised the pyramids of the fourth dynasty, five thousand and three hundred years ago.<sup>1</sup>

The region, now called Cape Colony, lies between 30° and 35° south latitude; it rises as you recede from the coast into high table-lands and mountains, and possesses a most delightful climate. The tints of vegetation are of a deep and brilliant dye; it resembles that which skirts the mountain-sides, receding to the north-east, till they reach perpetual summer at the equator. The forests are clad in a foliage that never sears, and the shrubs and flowers decorate the landscape upon the plains with their tinctured shades of evergreen. Yet, in this delightful region, we find the lowest grade, perhaps, of the human species.<sup>2</sup>

All travellers agree, that the Bushman and Hottentot are

<sup>1</sup> Types of Mankind, p. 182.

<sup>2</sup> "Africa and the American Flag," by Capt. Foote, U. S. N., p. 69.

but little elevated above the ourang-outang. Their complexion is compared by travellers to that of a person afflicted with jaundice, a yellowish-brown, near the hue of a faded leaf. They have woolly heads; diminutive stature; small, ill-shapen, crania; very projecting mouths; prognatheous faces, and badly formed bodies. They are described by travellers as bearing the strongest resemblance to the monkey tribe. Their common objects of pursuit, for a subsistence, are serpents, lizards, and grasshoppers. They have no fixed habitations, but sleep in holes in the ground, or under the branches of trees, wherever night overtakes them. They are short, lean, and, in appearance, weak in physical strength, yet capable of enduring great fatigue. Their sight is acute, but their taste and sensations feeble. They do not form great societies, but wander about in families.<sup>1</sup> The next race we encounter, after leaving the Cape Colony to the north-east, is the Kafirs, or Caffres. They range along through the Orange River Sovereignities and Caffraria, even beyond the interior. They are thus described by Lichtenstein, a celebrated traveller among them, whose descriptions we shall principally follow, as already quoted above:—

“The universal characteristic of all the tribes of this great nation consists in an external form and figure, varying exceedingly from the other nations of Africa. They are much taller, stronger, and their limbs are better proportioned. Their color is brown; their hair black and woolly. Their countenances have a character peculiar to themselves, and which does not permit them to be included in any other race. They have the high forehead and prominent nose of the European; the thick lips of the negro, and the high cheek-bones of the Hottentot.”

“Taking our departure from the Cape,” says Dr. Nott, “if we continue our examinations along the coast, easterly or westerly (the interior being unexplored), as far as the transverse belt of highlands, just above the equator, that separates the two great deserts, northern and southern, we find a succession of well-marked types seemingly indigenous to their respective localities.” Along the eastern coast we find the various tribes inhabiting Inhambane, Sabia, Lofala, Botonga, Mozambique, Zanguebar, &c., each presenting physical characters more or less hideous, and almost, without exception, in not only a barbarous, but a superlatively savage state. All hopes of eventually improving them, or reclaiming them from their brutish habits, must be given up; even the slaver has always rejected

<sup>1</sup> Lichtenstein (Types of Mankind, p. 182, 183). Researches, ii. p. 44.

them as untractable and beyond hope of redemption.<sup>1</sup> Yet, they live in the finest country in the known world. Hear the testimony of Mr. James Macqueen, who had devoted a large portion of his life to the interests of Africa, given before the British House of Peers in 1850 :—

“There is scarcely any tropical production known in the world that does not come to perfection in Africa. There are many productions peculiarly her own. The dye-stuffs and dye-woods are superior to any which are known in any other quarter of the world, inasmuch as they resist both acids and light, things which we know no other dye-stuffs, from any other quarter, can do. There is the article of sugar that can be produced in every part of Africa to an unlimited extent. There is cotton, also, above all things—cotton of a quality so fine that it is finer than any description we know of in the world. Common cotton, in Africa, I have seen, and had it in my possession, which was equal to the finest quality of American cotton. Egyptian cotton is not so good as the cotton away to the South; but the cotton produced in the southern portion of Africa is peculiarly fine.

“Africa is a most extraordinary country. In the eastern horn, which you think to be a desolate wilderness, there is the finest country and the finest climate I know. I know of none in South America equal to the climate of the country in the north-eastern horn of Africa. It is a very elevated country; and on the upper regions you have all the fruits, flowers, and grains of Europe growing; and in the valleys you have the finest fruits in the torrid zone. The whole country is covered with myrrh and frankincense; it is covered with flocks and herds; it produces the finest grass and grains in abundance. Near Brasa, for instance, on the river Webbe, you can purchase as much wheat for one dollar as will serve a man for a year. All kinds of European grains flourish there. In Eueara and Kaffa the whole country is covered with coffee; it is the original country of the coffee. You can purchase an ass-load (200 lbs.) of coffee in the berry for about a dollar. The greater portion of the coffee that we receive from Mocha is actually African coffee produced in that part.”<sup>2</sup> Again, if you were to pass from the Cape Colony along up the western coast, you would meet with another equally diversified series of negro races inhabiting Cimbebas, Benguela, Angola, Congo, Loango, Matimbas, and Guinea, where you have passed the equator to 10° north latitude.

<sup>1</sup> Types of Mankind, p. 184.

<sup>2</sup> “Africa and the American Flag,” by Capt. Foote, U. S. N., p. 69.

Through these provinces the negro type is but little removed from the Hottentot. "The whole of Africa," says Dr. Nott, "south of 10° north latitude, shows a succession of human beings with intellects as dark as their skins, and with a cephalic conformation that renders all hope of their future amelioration a Utopian dream."<sup>1</sup> "It is from this region on the western coast, that most of the slaves have been purchased by modern nations engaged in the slave-trade. Cruelty and oppression everywhere prevail. It is estimated that one-sixth of the population own and enslave the balance of the entire population." "It is not easy," says a modern traveller among them, "for us to conceive it possible that a human being can be moulded to the unhesitating submission in which a negro subject lives; yet such it is, that it becomes a source of satisfaction to him to live or die, suffer or rejoice, work or play, eat or fast, just as his sovereign wills. Nor is it easy to offer any probable reason for the eagerness to share in cruelties, which glows in the negro's bosom. Like the ferocious tiger, the appalling scenes that most gratify his lusts, consist in the amount of blood shed, rather than in the studious prolongation of pain. He offers, in this respect, a most bloodthirsty contrast to the cold demoniac vengeance of the North American savage."<sup>2</sup>

But the conscience, the favorite genius of the Abolitionists, lifts her unerring voice in justification of the horrid, loathsome and disgusting forms of superstition and idolatry. Human sacrifices have been, and still are, common almost everywhere. Our author again tells us that "the mouths of the victims were gagged by knives run through their cheeks; and captives among southern tribes were beaten with clubs to prevent resistance; or to take away their strength as the natives expressed it, that they might the more easily be hurried to the hill of death." Among other superstitions is that of often paying reverence to the spirits of their forefathers.

The custom of saturating their graves with human blood, leads to great enormities.<sup>3</sup> "Men of rank, at their death, are presumed to require attendants and to be gratified with the companionship of their friends; for this purpose their wives, children, and slaves are murdered in great numbers to afford them suitable companions and attendants in another world. From this superstitious notion, the utmost horror is felt at

<sup>1</sup> Types of Mankind, p. 185.

<sup>2</sup> Africa and American Flag. Travels of Bayard Taylor in Central Africa. Perkins' Three Years in Abyssinia, &c.

<sup>3</sup> Opera cit., also Expedition of Bowditch, Forbes, Duncan, and others.

decapitation, or the severing of limbs from the body after death. And hence revenge makes them eager for the skulls and jawbones of their enemies ; so that to perpetuate the memories of their victories, in a royal metropolis, its walls, floors and thrones are everywhere lowering with the hollow and ghostly eyes of the dead. These sad, bare, and whitened emblems of mortality and revenge present a curious and startling spectacle clustering and festooning the red clay walls of Kamassie, the Ashantee capital.

"All along the coast from the Equator to the north of the Gulf of Guinea, they did not eat without throwing a portion of their food upon the ground for the benefit of the dead. To attempt to describe minutely the customs of the numerous tribes of this section, and to wade through the horrid and revolting scenes of bloodshed, cruelty, filth, and pollution that characterize their adoration for man, beast, bird, fish, serpent, reptiles, and the like, would require a volume of itself and carry us far beyond the design of this treatise upon this subject. We shall therefore present but a few remarks upon the two principal nations on the western coast, Dahomey and Ashantee. These two nations are acknowledged by all travellers to be far in advance of all the surrounding nations and tribes in their habits, manners and customs, and mode of living. And we invite the careful attention of the reader to their comparative condition, and then ask him to say in the honesty of his conviction, whether the children of these nations and their posterity have been degraded by their condition and treatment in America. "The people of Dahomey and Ashantee," says a modern traveller among them, "are acknowledged to be considerably in advance of all others living upon the western coast. They have some agricultural implements, such as the hoe, and cultivate the ground to some extent ; they also manufacture some coarse goods from cotton, and live in villages."

Mr. Bowditch, of the British Exploring Expedition to Africa, in 1819, describes them as follows : he says "that the Boornos were, at that time, the most numerous nation of Africa. Timbuctoo was inferior to Houssa, and not to be compared with Boornoo. The Moorish influence prevailed, but was not predominant ; the king of Boornoo was a Moorish negro, called Billabahada ; he had a few double-barrel guns which he fired on great occasions ; but gunpowder was as scarce as gold dust. He was acute, capricious, and severe, but not totally devoid of humanity ; and had become exceedingly unpopular by limiting the number and extent of human sacrifices too much."

"The Ashantees are also quite a large tribe in the west of Africa. Among this tribe they are much given to the belief in witchcraft; and those who are accused of it are tortured to death." (A custom that once prevailed in the early settlements of New England.)

"The master here may kill his slave with as little fear or compunction as his dog. They believe in a paradise of sensuality and luxury for the nobles and better class. Hence a large number of cooks, butlers, and domestics of various descriptions are sacrificed at their funerals and on their tombs. They believe that a higher class of gods preside over the destinies of the white man than over that of the black; and hence their jealousy, prejudice, and dread of the whites. The most horrid of all their customs is the sacrifice of human beings, and all the horrors preparatory to that event. These take place at all their principal festivals, and there are not less than one hundred victims immolated at a time, and sometimes five times that number. Besides, at the death of every person of rank a large sacrifice is made; and these are repeated at every anniversary of the death for years afterwards. Sometimes they are renewed monthly for a long time. On the occasion of the death of his mother, the king butchered three hundred slaves. The funeral rites of certain great captains were repeated weekly for twelve weeks; and two hundred slaves immolated at a time, making in all twenty-four hundred human beings for each one." He gives a most horrid description of a sacrifice that he witnessed, too horrid to relate; yet it was all conscientious and to them seemingly right, and the victims submitted with astonishing fortitude to their direful fate. "They have no implements of agriculture but the hoe. The tropical fruits all grow spontaneously. The great obstacle to cultivating commercial intercourse with these African chieftains by the Europeans, is the fact that they have rejected the slave trade, which constituted their main inducement to treat with other nations. The continuance of this trade by the Spanish, keeps up a constant interchange of commodities between them." He says, that during his stay there, more than one thousand slaves left for two Spanish schooners lying off the coast. Commander Forbes, of the British Navy, in 1850, the latest visitor to that country, tells what he saw. He says: "There is something fearful in the state of subjection, in which, in outward show, the kings of Dahomey hold their highest offices; yet when the system is examined, these protestations are merely keeping up of ancient customs. Although no man's head, in Dahomey,

can be considered warranted for twenty-four hours, still the great chief himself would find his tottering if one of these were omitted. They were preparing for the ceremonies of watering the graves of the royal ancestors with blood, during which the king also presents some victims as a royal gift to his people. This merely means that they are knocked down in public, and their heads cut off amidst trumpeting, clamor, and jesting."

"With much ceremony," we read, "two large calabashes, containing the skulls of kings, conquered by the Dahomans, ornamented with copper, brass, coral, &c., were brought in and placed on the ground. There was a great display of the skull-bones of enemies. Some formed the heads of walking-sticks and distaffs; while those of the chiefs and men of war ornamented drums, umbrellas, surmounted standards, and decorated doorways; they were on all sides, by thousands."

"There was much to disgust the white man in the number of human skulls and jawbones displayed; but can the reader imagine twelve unfortunate human beings, lashed hands and feet, and tied in small canoes and baskets, dressed in clean white dresses, with a high red cap, carried on the heads of fellow men? These and an alligator and a cat were the gifts of the monarch to the people—prisoners of war." "When carried round the court they bore the gaze of their enemies without shrinking. At the foot of the throne they halted, while the *Mayo* presented each with a head (bunch) of cowries, extolling the munificence of their monarch, who had sent it to them to purchase a last meal, for to-morrow they must die."

"But of the fourteen now brought on the platform, we, the unworthy instruments of Divine will, succeeded in saving the lives of three. Lashed, as we have said, these sturdy men met the gaze of their persecutors with a firmness perfectly astonishing. Not a sigh was breathed. In all my life before, I never saw such coolness so near death. The victims were held high above the heads of their bearers, and the naked ruffians thus acknowledged the munificence of their prince." "Having called their names, the nearest one was divested of his clothes, the foot of the basket placed on the parapet, when the king gave its upper part an impetus, and the victim fell at once into the pit beneath. A fall of upwards of twelve feet may have stunned him, and before sense could return his head was cut off, and the body thrown to the mob, who now, armed with clubs and branches, brutally mutilated and dragged it to a distant pit."<sup>1</sup>

<sup>1</sup> Africa and American Flag, p. 67.



The women of Africa are everywhere slaves, or the slaves of slaves; all the burdensome labor falls on them. In Dahomey a considerable portion of the king's troops consists of armed and disciplined females.<sup>1</sup> The institution of marriage is unknown to the nations and tribes of which we are now speaking. When a chief or noble is announced as having so many wives, it signifies that he has so many female slaves. There does not appear to be any tribe in Africa, in which it is not the rule that a man may have as many wives as he can procure. Hence, there is no such thing known to them as conjugal attachment or parental affection, any more than what is common to the brutes. It is asserted by travellers that the children, at the age of seven or eight, are actually banished from the care and protection of the parent, not to return, under pain of death.

But little progress has been made towards the suppression of the slave trade, by the co-operation or consent of the native chiefs; they cling to it as to life, as a time-honored custom of their ancestors, and their main source of revenue.

Frequent negotiations have been had with them by English missionaries, but hitherto with little effect. The reasons for perpetuating this traffic, on the part of the natives, are set forth in glowing colors in a speech of the King of Dahomey at a conference of this kind with Captain Winniet, in 1849.

After professing his devotedness to England, he says: "The form of my government cannot be suddenly changed without such a revolution as to deprive me of my throne, and precipitate my kingdom into anarchy. I and my army are ready, at all times, to fight the Queen's enemies, and to do anything the English may ask of me, except to give up the slave trade. No other trade is known to my people. Palm-oil, it is true, is engaging the attention of some of them, but it is a slow method of making money, and brings only a very small amount of duties into my coffers. The planting of cotton and coffee has been suggested, but this is still slower. The trees have to grow, and probably I shall be in my grave before I reap any benefit from them. And what am I to do in the mean time? Who will pay my troops? Who will buy arms and clothes for them? Who will buy dresses for my wives? Who will give me supplies of cowries, rum, gunpowder and cloth for my annual 'customs'? I hold my power by the observance of the time-honored customs of my fathers. I should forfeit it, and entail

<sup>1</sup> They are called the Amazons. Queen Victoria has recently sent a thousand ornamental caps to them as a present to the King of Dahomey. *Af. and Am. Flag*, p. 84.

on myself a life full of shame, and a death full of misery, by neglecting them. The slave trade has been the ruling principle of my people. It is the source of their glory and their wealth. Their songs celebrate their victories, and the mother lulls the child to sleep with notes of triumph over an enemy reduced to slavery. Can I, by signing such a treaty, change the sentiments of a whole people? It cannot be."<sup>1</sup>

What a chapter is here presented, in this short speech of this intelligent, open-hearted and ambitious barbarian, upon the infallible dictates of conscience! He was as conscientious in his plea as the very pious John Newton, of England, who was for a long time engaged in this traffic, or the celebrated President Edwards, who dedicated one of his masterpieces of logic to the defence of the same.

The urgency, however, to which the King of Dahomey was subjected, ended, at last, in 1852, in his yielding his assent to the treaty. Partly overawed by the terrors of the British cannon, and partly bribed by the influence of British gold, he reluctantly put his seal to the document.

A few other like treaties have been established by a like forced assent, principally with the chiefs or powers whose territories have fallen under the influence of the Republic of Liberia and Cape Palmas. These have been fostered, maintained and preserved from reversion into native barbarism by the force of the British and American fleets cruising on the coasts of Africa. But it is the opinion of the best-informed upon this subject, that the trade can never be finally suppressed, except by the entire conquest and subjugation of Africa.<sup>2</sup>

One of the most potent influences for the final suppression, is that of the recaptured slaves, and their descendants, returning to their native lands, elevated in character and capacity by their associations with the whites, and by the instructions which they have thus received. They are carrying some improvements in agricultural, and other pursuits, where they settle; and thus rendering slave labor more valuable at home, they will turn thousands into employment that would else be shipped for a foreign market. Three thousand of them are now settled among their brethren of the Yoruba tribe, near the mouth of the Niger.<sup>3</sup>

In Dahomey, also, says Duncan, there is some improvement

<sup>1</sup> Africa and American Flag, p. 82.

<sup>2</sup> See Expedition of Richardson, Barth, Overway and Vogel, to Central Africa, by authority of H. B. M. 1850-1-2-3, Lond. ed. 1854.

<sup>3</sup> Africa and Am. Flag, p. 76.

in agriculture, traced to the return from the Brazils of a few who had been trained as slaves in that empire.<sup>1</sup>

Thus, as seeds of certain plants are thought to be transported by birds of passage to distant climes, so these returning pilgrims, of Africa's sons, carry back with them the germs of civilization and improvement to their benighted brethren. Who, then, shall say that they have been degraded by their pilgrimage in the land of canes?

It is only by the transportation of these germs from the elements of civilization, that they can ever be redeemed from their present degradation, if they are capable of such redemption. But it seems to be a physiological fact, well settled with regard to the real Negro type, that they have not the mental capacity ever to rise above a barbarous state of existence; and this fact is confirmed by their history, in all ages of the world. Measured by the size, weight, and capacity of the brain, they are inferior to the race of aborigines of America.<sup>2</sup> And they have nowhere, in the history of the world, when left to themselves, attained to so high a rank in the scale of civilization as some of these tribes.

As we descend from the table-lands of Abyssinia along the

<sup>1</sup> Africa and American Flag, p. 92.

<sup>2</sup> "Craniorum inquam quibus ad gentilitas varietates distinguendas et definiendas nulla alia humani corporis pars aptior videtur, cum caput osseum (præterquam quod animæ domicilium et officina, imo vero interpret quasi et explanator ejus sit, utpote universæ physiognomiæ basin et firmamentum constituens) stabilitati suæ maximam conformationis et partium relativæ proportionis varietatem junctam habeat unde *characteres nationum certissimas desumere licet.*" Blumenbach.

The peculiar expression of the Negro physiognomy depends upon the difference between the horizontal measurement of the circumference of the head from around the crown downwards: the number of inches around the crown is less than around the forehead, and that still less than around the nose and ears, showing a constant increase downwards from the crown. This is owing to the narrow, flat crown; the low, slanting forehead; the projection of the upper edges of the orbits of the eyes—a formation that contracts the intellectual lobe of the brain, and enlarges the back and lower portion, generally acknowledged to be the seat of the animal propensities. In the Caucasian race, these measurements will all be found equal, or, if there is a slight variation, they decrease downwards from the crown. The equality of these lines is the standard of a model head.

Dr. Wyman, in his *post-mortem* examination of the head of Daniel Webster, found the internal capacity to be 122 cubic inches, with a circumference of  $23\frac{3}{4}$  inches; while the mean internal capacity of Negro crania, as far as ascertained by Morton, is only 82 cubic inches; but there are many heads of Anglo-Americans much larger than Mr Webster's.

waters of the Nile, flowing to the south, we lose sight of the real Negro land, and all traces of the true Negro type. We have met with another race of beings, wholly distinct, in their physical conformation, character, and condition, from those we have been contemplating. It is here we first meet with the pure Ethiopians, who have been very improperly confounded with negroes.<sup>1</sup>

Dr. Pritchard, in describing this race of Africans, has taken much pains to prove that they, together with the tribes of the eastern basin of the Nile, down to Egypt, inclusive, not only are not Negro, but were not originally Asiatic races, displaying somewhat of an intermediate type, which is nevertheless essentially African in character.<sup>2</sup>

"This autochthonous type," says Mr. Gliddon, "as we shall prove, ascends so far back in time, is so peculiar, and withal so connected with a primordial tongue presenting but small incipient affinity with Asiatic languages, about thirty-five centuries before Christ, as to preclude every possible idea of an Asiatic origin for its aboriginal Nilotic speakers and hieroglyphical scribes."<sup>3</sup>

On the northern coast of Africa, between the Mediterranean and the Great Desert, including Morocco, Algiers, Tunis, Tripoli, and Bengazi, there is a continued range of highlands which have been included under the general name of Atlas, anciently Atlantis, now Barbary States.

"This immense tract," says Mr. Gliddon, "in no very recent geological period, was an island, with the ocean flowing over the whole of Sahara, and thus cutting off all communication between Barbary on the Mediterranean, and the remote plateau of Nigretia, or Negro land."<sup>4</sup>

Throughout this northern region of Africa are found quite a different and distinct group of races, subdivided into many tribes of various shades. At the time of Leo Africanus, the ancient Berber was the language of all Atlas. These ancient Berbers are the Numidians and Mauritanians of classical writers, by the Romans termed *genus insuperabile in bello*. To these belong the white Tuaries who have penetrated to the oases in the deserts. Here, then, seems to have been another centre of creation and distribution, like that of Southern Asia, described in the tenth chapter of Genesis.<sup>5</sup>

The countries of these more northern races of Africa lay

<sup>1</sup> Physical History of Man: Pritchard. Types of Mankind, pp. 173-4.

<sup>2</sup> Opera cit.

<sup>4</sup> Opera cit. p. 204.

<sup>3</sup> Types of Mankind, p. 194.

<sup>5</sup> Types of Mankind, p. 205.

accessible to the Asiatic and European nations, by whom frequent conquests were made upon them, and several colonies founded among them and in their territories, at an early day; from whence arose those infiltrations of foreign blood in their veins, and those engraftments of exotic idioms upon their original languages. And to this cause must be attributed the diversified tribes, and variations in their more modern dialects. The Christian and European captives sold in the maritime cities throughout the privateering principalities, have blended every type of man that could be kidnapped around the Black Sea, the Mediterranean, and eastern Atlantic, by the corsairs of Barbary.

Yet these people, like the other branches of the family, the Abyssinians, Nubians, and Egyptians, have preserved enough of their original characteristics, both in their physiology and language, to prove conclusively to all the most celebrated travellers among them, that they are a race (including all their several branches) distinct from all others, and indigenous to the zoological locations that they inhabit.<sup>1</sup>

We next approach Egypt — Egypt, the cradle of arts and the ancient seat of civilization. Listen to the voice that she sends up from the grey years of antiquity! It comes like the stirring of the breeze upon the mountains; it floats in majesty like the echo of thunder; it breathes solemnity like a sound from the tombs. Let the nations hearken for the slumber of ages is broken, and the hurried voices of centuries speak again from her magnificent ruins! Roll back the tide of five thousand years! Towering along upon the banks of the sacred Nile, stand her gigantic monuments and all the magic display of her arts. The scathing billows of Time come surging over them like the heavings of the mad ocean; and, merged in the gloom of the past, Egypt, with all her grandeur, becomes a land of seared mummies and mysterious tombs.

Ages roll on — silence, darkness, and desolation hang over the face of her ancient splendor. Her pompous mansions, temples, and catacombs are tenanted only by the embalmed skeletons of those who once laid the vast foundations of her former greatness. So, other generations have lived above these, and trampled upon the dust of her long-lost glory, till the slumber of their dreamless abodes are nigh forgotten.

But she now beheld a resurrection. As summoned by the

<sup>1</sup> They are an indomitable nomadic people, who, since the introduction of camels, have penetrated in considerable numbers into the deserts, even as far as Nigretia.

blast of the final trumpet, she has shaken from her beauty the ashes of centuries, and once more speaks to the world in the hieroglyphic language of the builders of her citadels. There stand her gigantic ruins, with utter desolation perched upon their dilapidated walls. Egypt, mouldering relic of a former world!—strange redemption from the sepulchre!—how vivid are the historic memoirs that cluster around her! Her loneliness is rife with tongues, for the shadows of many ages are cast upon her walls. Man treads her desolate and forgotten streets, and is lost in the dreams of other days. Venerable and eternal relic! The storied urn of a nation's memory! A disintombed and risen witness from the dead! Every stone in the walls of her tombs and her monuments is immortal!

When we cast around for a spot on which to locate the first traces of human existence upon the earth, with their magic signals they point to the banks of the sacred Nile. Egypt's proud pyramids, if we credit the Champollion school, elevates us at least one thousand years above all other profane traces of nationality. "And what is most remarkable," says Mr. Gliddon, "when Egypt first presents herself to our view, she stands forth not in childhood, but with the maturity of manhood's age, arrayed in the time-worn habiliments of civilization."<sup>1</sup>

It has been a source of much speculation and animated controversy as to the origin of the ancient Egyptians, and the race of mankind to which they belong. It has been said by one school of naturalists, among whom, of the ancients, was Herodotus, and of modern archæologists, Prof. Rossellini, Champollion, Figeac Champollion le Jeune, and others, that they were of Ethiopian descent, and that Egyptian civilization descended from Ethiopia down the Nile. Others contend for their Adamic and Asiatic origin—among whom are the names of J. G. Wilkinson, long a resident of Egypt; also the learned hierologist Samuel Birch, of the British Museum; and the great naturalists Blumenbach, Cuvier, and many others.

Again, it is contended, in the progress of discoveries and of knowledge, that the ancient Egyptians were of a race *sui generis*, the aborigines of their ancient habitations, and indigenous to their own central creation and zoological location—the connecting type between the Negro proper and the

<sup>1</sup> But for the deciphering of Egyptian hieroglyphics, and the recent developments from their tombs and monuments, the world must have remained in ignorance of one of the earliest and most important periods of its history.

Asiatic races. Among the advocates of this theory is to be found the name of the late celebrated Dr. Morton: it is also advocated by Nott and Gliddon, in a very learned and forcible collection of facts and authorities in their joint work, entitled "Types of Mankind."

But the proper limits of our remarks, in a treatise of this kind, will not admit of a statement of this controversy, in detail, or any extended review of the arguments of either party. It is not our purpose to enter into any minute discussion of the great question of the origin and distribution of the human races: guided by such lights as we have before us, we have made a few general remarks upon this subject. For the benefit of those who may be curious to pursue this interesting subject more extensively, some reference to the most approved authors may not be improper.<sup>1</sup>

We remark, further, that the late extensive researches in Egyptian arts, as well as craniology, have delineated the distinct type of a race, from the earliest ages, so dissimilar to the negro type proper, as to render it just as improbable that the ancient Egyptians descended from the negroes, as it would be, in a physiological point of view, that the present inhabitants of the United States were the descendants of the Aborigines of America.

The celebrated Dr. Morton, whose researches were, in some particulars, the most extensive, and whose writings are perhaps the best authority upon this question, made the following remark: "From the preceding facts, and many others that might be adduced, I think that it may be safely concluded that the complexion of the ancient Egyptians did not differ from that

<sup>1</sup> At the head of this list we would place the first part of the "Types of Mankind," by Nott & Gliddon: Phila. ed. 1854. This is the latest book upon this subject, and a work of great learning and research, embodying a vast amount of valuable information, collected from the most authentic sources. "Natural History of Man," in five volumes, Lond. ed. 1848, by Dr. Pritchard; also "Varieties of Man," Lond. ed. 1851. "Knox's Races of Men," Phila. ed. 1850. The great work of Jaquinot, "Considerations Générales sur l'Anthropologie Zoologie," 1846. The works of Charles Pickering, Naturalist to the U. S. Exploring Expedition. The Researches of Lepsius, an explorer sent out to Egypt by the Prussian Government, in 1842-3—the translations of which may be found in Bohn's Library. Also the great works of Champollion, Belzoni, and Rosellini, with their plates, copied accurately from the Egyptian; which may be seen, on a folio scale, in Harvard College Library. "Crania Ægyptiaca," by Dr. Morton, Phila. 1844; also "Crania Americana." "Otia Ægyptiaca," by G. R. Gliddon, a collection of facts from twenty years' residence in Egypt.

of the Caucasian races in the same latitude ;—that, while the higher classes that were screened from the action of the sun, were fair, in a comparative sense, the multitude and lower classes, like the modern Arabs, Berbers, and Moors, presented various shades of complexion even to a dark and swarthy tint, that the fair-skinned Greeks regarded as black, in comparison with their own.”<sup>1</sup>

He said, also, “that negroes were numerous in Egypt, but their social condition was, in ancient times, the same as now, that of slaves.”

Again, he says, speaking of the MS. preparation of a new edition of his “*Crania Ægyptiaca* : “In this work I maintain, without reservation, that the human race, as a whole, has not sprung from one single pair, but from a plurality of centres ; that these were created, *ab initio*, in those parts of the world best adapted to their physical characters, that the epoch of creation was that undefined period of time spoken of in the first chapter of Genesis, when it is related that God formed man from the dust ; male and female created He them. That the deluge was a mere local phenomenon ; that it affected but a limited portion of the then inhabited globe. These views are consistent with the facts of the case as well as the analogical evidence.”

Again, he says, “You allude to my altered views in Ethnology, but it all consists in regarding the Egyptian race as the indigenous people of the valley of the Nile.”<sup>2</sup>

A volume of similar quotations might be cited from other authors to this effect ; but these are sufficient to show the views of those great masters of this science who have devoted their lives to this subject.

But it is really a matter of no great importance to the question of the original unity and equality of the human races, who the people of Ancient Egypt may have been, or from what source they emanated. The most imposing and important fact disclosed by the revelations of their history, is that they found the several types of mankind as varied and distinct as those of the present day, and that they have preserved a record of this from so remote a period.

<sup>1</sup> “*Crania Ægyptiaca*,” Morton. An ancient writer, Ammianus Marcellinus, speaks of the Egyptians as follows : “*Homines autem Ægyptii plerique subfusculli sunt, et atrati magisque mœstiores, gracilenti et aridi ad singulos motus, excandescentes controversi et reposcrones acerrimi. Erubescit apud eos si quis non inficiando tributa, plurimas in corpore vibices ostendat.*”—*Rerum Gestarum*, lib. xxxii.

<sup>2</sup> Types of Mankind, p. 232.



Even admitting that Egypt, if it were possible, was the great artery through which portions of Africa were peopled by Asiatic nations, as is contended; suppose even the poor degraded Bushman, forming for himself, from sticks and grass, a lair among the low spreading branches of the Protea, or nestling, at sunset, in a shallow hole, amid the sands of the desert, with his little ones, like a covey of birds, sheltered by some ragged fragments of skins from the chilling dews of heaven, has an ancestral relationship to the builders of the pyramids and colossal temples of Egypt. How long will be required for him to retrace his wandering steps through the several links of gradations along upon the eastern coast of Africa, till his present beastly and prognathous features shall be merged in the type of the ante-monumental Egyptians, and the low, guttural "gluckings" of the Hottentot shall rise to the lofty idioms of the ancient Berber? <sup>1</sup>

And how long a time will be required from him to roll back the wave of oblivion that has passed over this ancient seat of Nilotic civilization; to turn back the tide of five thousand years, and recall from the dark abyss of the past the long-lost arts and sciences, all traces of which have nearly aded from the memory of man; to reconstruct and readorn those ancient and modern wonders of the world whose gigantic ruins have withstood the dilapidating scourges of time for more than five thousand years? Is such a dream within the range of human possibility? We answer, no: nothing but a miracle can ever produce such an effect.

But if this genealogical theory would account for the Hottentots and Bushmen, to what source shall we trace the normal features and signal characteristics of the real negro race? Whither shall we retrace their steps from the low marshes and sunderbunds of the Gaboon and Congo rivers, where the aberrant peculiarities of the negro type seem to be most strikingly developed, and the central highlands of the more interior and northern nations? Can any retrograde pathway be found across the trackless and impassable desert, or through the unknown ocean that will also carry them back to the land of the Pharaohs, and identify them by marks of kindred blood with the builders of the Pharaonic pyramids, and the sacred tenants of their tombs? Are they, too, to be gathered under the wing of

<sup>1</sup> "If the great branches of the human family have remained distinct in separate types for the lapse of ages, with their characteristics fixed and unalterable, we are justified in the conclusion that mankind are divisible into distinct original species." — *Jacquinet, Zool.*, 2, p. 36.

their Libyan family as a branch of the same parental stock? If so, how long will be required for them to exhibit the physical and mental proofs to entitle them to such ancestral relationship?

The social, moral, and political, as well as the physical history of the negro race bears strong testimony against them; it furnishes the most undeniable proof of their mental inferiority. In no age or condition has the real negro shown a capacity to throw off the chains of barbarism and brutality that have long bound down the nations of that race; or to rise above the common cloud of darkness that still broods over them.

In no quarter of the globe have the energies of the human mind been so long locked up in the dungeon of despair. While in other nations its elastic energies have burst up like the heavings of a volcano, sundering all obstacles to its rise, progress, and developments, the barbarous negro nations of Africa have quietly rested in their unalloyed barbarism for thousands of years, exhibiting no more evidence of a capacity for native born advancement than the baboons and ourang-outangs that people the forests.<sup>1</sup>

Every other nation, from China to Mexico and Peru, have respectively advanced from a savage to a barbarous, semi-barbarous, half-civilized, to a civilized and an enlightened state. The wealth, magnificence, and power of the Celestial Empire is the result of native genius and energy. Those mysterious landmarks of art, science, and civilization in the ancient domains of the Inca and Toltecan Family, are undeniable proofs of an intellectual capacity and mental endowment far superior to any traces of the kind within the whole range of the primeval negro nations of Africa.<sup>2</sup>

The glory of ancient Greece took its rise from a tribe of savages that at first fed upon nuts, roots, and herbs. Rome, too, first sprang from the urned ashes of a few Latin exiles cast upon her shores. Yet, lifting herself, like the serpent in the wilderness, she stretched her broad wing over half the circumference of the globe. Her course through the earth was like a comet through the heavens; yet how beautiful are the

<sup>1</sup> The snake's poison arms their weapons, and her body is eaten. Throughout all the deserts, as in ancient times, the grasshopper is used as an article of food.—*Africa and Am. Flag*, p. 92. It is said that slavery and oppression have been the cause of their present degradation. But what other nation has not been weighed down by the same incubus?

<sup>2</sup> Yet the Africans live in similar latitudes, and in some of the finest climates in the world.

stars that she left in her trail! Great Britain was once peopled by a race of Cannibals, once tributary to the great Roman Conqueror, and her sons fit only to be the slaves of Romans. Yet, by the commingling of a five-fold race there has grown up a mighty nation, who claims to be master of the sea, and upon whose empire the sun always shines.<sup>1</sup>

What were the Celtic, Germanic, and other nations of Western Europe in the days of Tacitus? They scarcely excelled in arts and civilization the wandering tribes of Aborigines in America, yet they have all lived through the dark passage of the middle ages, seen the revival of literature and learning, and are now like cities set on a hill, disseminating their light to the world.<sup>2</sup>

Revolutions and the conflict of passions, like throes in the depths of nature, have thrown up nations in the fields of the past, like isles in an ocean of darkness. Hermes, with his magic rod, has waved the flag of commerce over their shores, and civilization, literature, and art have sprung up and flourished in his footsteps. But the oldest state of negro society continues unchanged. With the exception of a few civilized vices, civilized arms, and some amount of civilized luxuries, borrowed from other nations, life upon the African coast is precisely the same now that the first discoverers found it. Intellectual inferiority and incapacity for any native improvement is stamped by the hand of his Creator upon the negro's brow, written in his features, and re-written in his social and political history.<sup>3</sup>

Unfortunate and unjust as it may seem, still, wherever he may go, the mark of Cain is yet upon him; the first impulse of nature, in the bosom of his superiors, responds everywhere to this truth, in their contempt for his person and aversion to his society.<sup>4</sup> In the very heart and hot-bed of the professed

<sup>1</sup> And she carried along with her, from her earliest history, the worst form of slavery. (Vid. supra.)

<sup>2</sup> They have all advanced with the incubus of slavery hanging to the ear.

<sup>3</sup> We would not deery or discourage missionary labors among them, if they can by any means ameliorate their condition. We bid them God speed in a noble work. But we fear that they are "casting their pearls before swine." What have their efforts availed with the North American savage? Nothing; every real tawny son of the forest is still the same. What have they, and what will they avail with the African savage? Alas! experience "hurries us back to despair."

<sup>4</sup> See remarks of Chief Justice Taney in the Dred Scott case, 19 How. Rep. p. 416, et seq. They are there held to be an inferior race of beings,

negro philanthropists or Abolitionists, he is an outcast from all society, and the furthest removed from many of the most precious privileges of a citizen and a social being. In the State of Massachusetts, even in the city of Boston, the social condition of the free man of color is more degraded than in the State of Louisiana—a fact which completely negatives the oft-repeated assertion that slavery has been the cause of the contempt and social degradation under which they live. The cause lies rather in a general want of moral, intellectual and personal excellence in the negro, to render him companionable and an object of interest and an equal, rather than of aversion and of inferiority.<sup>1</sup>

Human history cannot be a mere chapter of accidents. The fate of races and nations cannot be always regulated by chance; their intellectual philosophy, literature, science, art, wealth, religion, language, laws and morals cannot be the result of mere accidental circumstances.

These truths, practically held and universally acknowledged, have elicited a more diligent inquiry into the comparative anatomy and physiology of the negro race. These investigations, with reference to the theory that there is a necessary connection between the cephalic conformation and the leading features of mental structure, and, consequently, between the size, proportional divisions, and relative capacity of each section of the brain, and the intellectual, moral, social and political condition of every race of men. In this chapter of experimental philosophy, induction has confirmed what was but a preconceived hypothesis. The result has been the solution of the great problem, that the real cause of the negro's inferior character and condition is seated in his physical organization.

The late celebrated Dr. Morton, formerly President of the American Academy of Natural Sciences at Philadelphia (to whose writings we refer with the utmost confidence, as the best authority upon this subject extant), established, by numerous observations, tests and admeasurements, a mean internal capacity for the negro crania, of both African and American born,

who are not classed as citizens or members of the body politic by the constitution, not capable of being entrusted with the rights and duties of a citizen in the United States.

<sup>1</sup> Their inferiority and unfitness for companionship with the whites has often been made a matter of legislative enactment, by prohibiting marriages between the two races, and in excluding them from all the highest functions of citizens and social beings with the whites. See collection of legislative enactments upon this subject in the opinion of the Supreme Court of the United States in the *Dred Scott* case, 19 How. Rep. p. 415.

less by twelve cubic inches than that of the Anglo-Saxon race, besides a variety of peculiarities of form, among the most important of which are the low, flat and slanting forehead, and the depressed or flattened summit or crown of the head — a conformation that necessarily contracts the capacity of the cerebrum, the seat of the intellectual faculties, elongates and enlarges the cerebellum, dethrones the intellect, and renders the acknowledged seat of the animal propensities the principal volume of the brain.

Prof. Agassiz has also asserted "that a peculiar conformation characterizes the brain of an adult negro. Its development never goes beyond that observable in the Caucasian in boyhood. And, besides other singularities, it bears a striking resemblance, in several particulars, to the brain of an ourang-outang."

One of these particulars is the excess of the animal over the intellectual portion of the brain.

These peculiarities characterize the negro type; they have, from the earliest ages, remained the same; they are, and must of necessity be, a fixed fact in physiology; as much so as the peculiar form of the hand, the foot, the relative position of the spine, the form of the ribs, or any other marks of peculiarity that distinguish the negro from the other types of mankind. The doctrine of the plurality of original types or races of men has been denounced as anti-scriptural, and tending to infidelity; but, in truth, the danger lies upon the other side of the question. For if the physical organization of the animal kingdom is progressive, and one type of man or beast may, from external causes, gradually approximate, and finally lose itself in another, higher than itself, the skeptic has but to seize upon the retrograde course, and he finds no stopping-place till he reaches the mineral kingdom. It puts a magic wand into his hand, that enables him to smite the whole framework of natural theology and it falls into chaos, to overturn the foundations of the universe, and resolve the whole pantheism into an endlessly revolving system of things.<sup>1</sup>

No man will deny, who is able to form an opinion from observation, that the average size of the head around the crown of any promiscuous number of African, or American born negroes, will be found less than the size of the same number of white population of English descent, by from one to two inches.

Mr. Hamilton Smith states: "We have personally witnessed the issue of military chacos (caps) to the Second West India

<sup>1</sup> He may thus run the race out into a monad. See "Vestiges of Creation."

regiment, at the time when all the rank and file were bought out of slave ships, and the sergeants alone being part white, men of color, negroes from North America, or born creoles. And it was observed that scarcely any fitted the heads of the privates, excepting the two smallest sizes; in many instances, robust men of the standard height required padding an inch and a half in thickness to fit their caps!"<sup>1</sup> And this, too, notwithstanding the excess of the thickness in the crania of the negro.

These analyses of the size, form, and anatomical structure of the negro's head, we frequently meet with in treatises upon anatomy and physiology. But it remains yet for the philosopher and the moralist to analyze his mental structure, and show a corresponding development of intellectual and moral character. Upon this metaphysical subject we have not the means of ocular demonstration accessible to the physiologist; we can only reason from facts established by the most extensive and authentic sources of observation.

From what we have seen of the negro race in their native country, and what may be correctly observed of their posterity in all parts of the world, it must be admitted, by all of extensive observation, that the preponderance of the animal propensities is a general trait in their character. This predisposes them to moral insensibility, intellectual stupidity, indolence and gluttony. Beyond a few childish amusements generally, the height of his aspirations is to satiate his appetite, then to lounge, sleep, sweat and steam in the sun, like the moping alligator upon his log by the river bank.

Like some of the more gluttonous and greedy species of animals, he is a perfect slave to desires, and often becomes a monomaniac upon the subject of the gratification of his appetites. Hence his adoration for certain beasts, birds, fishes, insects, serpents and lizards; and not unfrequently he alone, of all the known species, falls into the grovelling and beastly habit of eating dirt.<sup>2</sup>

The insatiable passion for stimulants, such as tobacco, whiskey, and the like, that shows itself, even in the early childhood of the negro race, and the abject slavery to which it reduces its subjects, is another evidence of the predominance of the animal inclinations. Who has ever travelled through any neighborhood of the slave-holding States, and not been fre-

<sup>1</sup> Types of Mankind, p. 453.

<sup>2</sup> There may be some very rare instances of this in the higher species, from some local cause, but with the negro it is quite common as a habit.

quently accosted by the little curly-headed urchins, from seven to ten or twelve years of age, with "*Massa, gimme chaw bakker*, please sir"? And generally, even at this tender age, they will devour large quids of tobacco, and drams of whiskey, with as great a gusto as the white toper and tobacco-chewer of mature years—things at which the more delicate organs of the Caucasian youth would sicken and revolt. This is not habit; it is nature; it is born in him, and continues with him to his grave.

All the social attachments, sentiments and feelings of the negro are imperfect, and savor rather of animal instinct and impulse, than of intellectual and moral sensibilities. Even those of conjugal attachment and parental affection are not natural to the unsophisticated African negro, to a much greater extent than is common to the brute. In their native country, the relation of husband and wife, parent and child, have but a nominal existence. In their association with civilized society, they imbibe these feelings to some extent by the force of imitation and habit.

The very many instances of remarkable fidelity and attachment to their masters, a characteristic quite common among them, are founded not so much upon any high intellectual and refined sentiment of gratitude, as upon an instinctive impulse, possessed even to a higher degree by some of the canine species.

Another evidence of the ruling character of the animal appetites and passions in the negro, is the very weak and imperfect development of the intellectual powers. The fact cannot be denied by any one acquainted with the subject, that there is almost a total want of imagination, of the powers of comparison, and of originality of genius and conception, throughout the entire negro population.<sup>1</sup>

Among the plantation hands throughout the slave States, while a few are forced by imitation and a long training, by habit, to do some of the rough work of the arts necessary for those purposes, the greater majority of them have not genius enough to make a hoe-handle, an axe-helve, or stock a plough.

During a residence of fifteen years in the State of Louisiana, and from an extensive acquaintance and observation in both the States of Mississippi and Louisiana, and to a greater or

<sup>1</sup> It should be remarked, that not every black man, or even African, is properly included in what is termed by ethnologists the negro type. A very broad distinction has been made, as we have seen, between the negro proper and many nations of Africa. And when I speak of the negro, I mean of the type of the Guinea negro.

less extent, in every State in the Union, except Florida, I have never met with, or read of a real negro, possessing the peculiarities of that type, either African or American born, who evinced even an ordinary degree of originality or inventive genius for anything.<sup>1</sup> Nor have I ever seen, read of, or heard of a specimen of their manufacturing in any portion of the world, that evinced even an ordinary degree of skill; or ever known of one being employed in the higher and more difficult mechanism of the arts. And I shall be sustained, by every observing mind, whose means of observation have been extensive, in the assertion that the negro population could never, upon any principle of human probability, acquire the exact sciences to any considerable extent, or ever make any proficiency in the arts, sculpture, painting, or poetry.

In ancient Greece, slaves worked at all the higher branches of the arts.<sup>2</sup>

In Rome, there was a class of highly educated slaves who were masters of all the arts, and practised some of the learned professions.<sup>3</sup>

It is useless to contend that the political and social condition of the negro has always kept him back: his condition in portions of Africa has been as favorable for the development of his powers as that of any nation of the world.

Whenever there is native talent, latent intellect and originality of genius, it must and will, at times, either accidentally or designedly, discover itself. You might as well suppress the elastic energies of a volcano. Neither will it suffice to attribute this long chapter of blank existence in the history of the negro race to want of opportunity and proper culture and inducements: these do not lay at the root of the evil; it is seated, as we have before said, in the structure of the brain. How has it been with the unlettered of other nations? Wherever there is intellect; wherever there is genius, even in the untutored mind, it has and will develop itself in various ways in whatever condition it may be in. Look at China, Mexico, and even the aboriginal tribes of America. Even their evidences of

<sup>1</sup> I am aware of the history of "George Harris," of Uncle Tom's Cabin, and if he was even a half-breed of the real negro type, I should require some further evidence of the fact before I should be induced to credit the story.

<sup>2</sup> Demosthenes' father left sword-makers and engravers. There were also artisans in all the workshops of Greece. See Essay on Greek Slavery, p. 63.

<sup>3</sup> See Essay on Roman Slavery, p. 87



intellect and of genius are far superior to anything discovered by the negro race.

What other race of beings has ever been reduced to such abject servitude, and so long worn the yoke of bondage with such grace and docility as the negro race in Africa? And what does this argue for them but inherent intellectual imbecility? They are the creatures of imitation; they originate nothing; they acquire nothing, except it be to imitate what they see done by their superiors; their language, their manners and customs and habits are imperfectly acquired in this manner, though they seemingly take great pride in politeness and refinement of manners.

Again: no one, who has been accustomed to notice the peculiar traits of the negro character to any considerable extent, can fail to have noticed the total want of moral firmness that characterizes all their actions. Hence their native disregard for the truth, for honesty, and their treacherous and unprincipled character. To talk to the negro about being governed by principle any further than those principles contribute to the gratification of his appetites and passions, would be as idle as to attempt to control the wind with a broken reed.

Being the slaves of imitation and habit, their characters, in certain particulars, as far as relates to acquired traits, are the result of accidental circumstances, rather than of any firmness of purpose, or decision of their own. Thus they are often found to lead lives of great devotion, faithfulness, and honesty, to their masters; but in this they are seldom, if ever, actuated by any higher motive than a dread of incurring the displeasure of one who has the tact and talent to inspire them with feelings of confidence in, and dependence upon, himself.

Others, on the other hand, are often accidentally left to the habit of absconding, theft, intemperance, and the like, which being congenial to their natures, it is in many instances impossible to eradicate from their disposition.

Their whole life is comparatively but a state of pupillage and infancy; conscious of their own intellectual inferiority, they are generally extremely credulous and confiding, except where it may interfere with their vicious propensities, and easily duped by their superiors to any scheme by the most trifling fascinations.

From a child-like simplicity and weakness, they are perhaps the most superstitious beings in the world. They have their family legends of haunted-houses, ghosts, and hobgoblins, and believe in literal devils, witchcraft, and incantations of various descriptions.

These notions prevail generally, except when they have been overcome by the influence of superior minds. All their freaks of enthusiasm, upon religion and other subjects, often lead to permanent mental derangement, and generally resemble fits of intellectual hallucination more than sober rationality. In justice to "Uncle Tom's Cabin," we must say that the leading traits in the character of "Topsy" are drawn to perfection as to all her vicious propensities. We never wish to see a more perfect delineation of the real type of negro character, in many particulars, than is there set forth; but we cannot endorse the representation as a whole. The authoress could not resist the temptation to weave into the scene some of her own peculiar dogmatisms, that exist only in the kind and charitable misgivings of her own imagination, and which entirely destroy the truth and beauty of the picture.

The keen susceptibility of such refined feelings, exalted emotions, and high intellectual endowments that she has bestowed upon her, to the thoroughly experienced mind, are as much out of place in the bosom of Topsy as the most costly array of precious jewelry, laces, and finery would be in her costume.

In the whole routine of negro literature, their drama, popular speeches, patent sermons, songs, ballads, and body of minstrelsy, which, to be in good taste, must be a correct index to the standard of negro intellect and character, where can be found any strong bursts of impassioned feelings of an elevated character? or any traces of such refined intellectual and moral sentiments as Topsy exhibits in the reformation of her character? It is all but a windy volume of rhodomontade, or ranting strains of dancing, carousing, and sensual sentimentality. From the gifted genius of—

"Old Zip Coon, a wery apt scholar  
'Case he kill all de coon up Possum Holler,"

to the sad misfortunes of—

\*       \*       "Old Dan Tucker.  
Who came too late to get his supper,"

it is all negro at first, negro afterwards, and negro to the last.

The highest excellence of this species of literature consists in the exact representations of the reality; and the world admires and laughs most when the intellectual and moral foibles are the most correctly delineated. Yet when we come to analyze the subject and show the real cause of it all, we are accused of harsh sayings upon the misfortunes of the black

man. It is true, the subject is unpleasant; but the philosopher can never pander to public prejudice, nor flatter popular error; wherever truth leads him he must go. The die is cast; nature has assigned the condition of the negro race, and fixed the limits of their destiny.

---

## ESSAY VIII.

### THE RELATIVE POSITION AND TREATMENT OF THE NEGROES.

No government has ever existed in the civilized world that placed the black and the white man upon an equal footing as to all the rights and privileges of citizens. In their political and social condition, universally among the Caucasian race, the negro lives under many social and civil disabilities. Lord Mansfield said, in the decision of *Sommersett's case*, that such was the odium that existed against them among the English people, that they could not live in the enjoyment of any social or civil privileges in England. In France they can never attain to the rights of citizens. The fundamental principles of our Federal and State governments place these privileges all beyond the reach of the negro in America. The Constitution of the United States and that of nearly all the States, say, that every *free white male citizen*, &c., shall be a duly qualified elector; and such only are eligible to any office of honor, profit, or trust, or to be admitted generally to civil functions, to seats in the churches, public schools, places of general assembly, or private circles of society; all intermarriages between the white and the black races is prohibited by law. This all goes to show that the negro race, by universal consent of the civilized world, are considered a separate and distinct race of beings, suited only to their own peculiar state and condition.<sup>1</sup> Their freedom is but a name, an unmeaning sound; they are by nature totally incapacitated to enjoy the rights and privileges of freemen, except in secluded communities of their own kindred blood,

<sup>1</sup> These truths are set forth in a striking light in the very learned and masterly opinion of the Supreme Court of the United States in the *Dred Scott case*. See 19 Hou. Rep. p. 408-410. It is there decided that the descendants of African slaves are not citizens of the United States within the meaning of the Constitution, even though they be free.

which ever have been, and ever will be, sooner or later, when left to themselves, in a state of barbarism. Their condition among the whites is necessarily that of pupillage and dependence.

Considerations of this kind first induced civilized nations to purchase them as slaves. Slavery, as we have before said, had its origin in the stern yet merciful dictates of humanity; the very word from which they take their name in the Latin language, indicates the act of mercy that spared their lives.<sup>1</sup> Slavery originated from the same cause, and existed by the same laws in Africa.<sup>2</sup> This principle of national law that governed the whole ancient world, took effect there also; and thousands and millions of the hapless wretches who fell into the hands of their otherwise merciless captors, were by its benign influence snatched, as it were, from the jaws of death. But by the barbarous customs of the country, their blood was spared but for a time; till the anniversary of some funeral rites or festive occasion, to water the graves of the ancestors of their victors. Wars and revolutions had destroyed and enslaved nations, till one-sixth owned and held the other five-sixths of the entire population in bondage. The less the demand for these preserved captives as merchandize, the less value and consequence they became to their African owners, and even burdensome to support; and hence the greater number could be sacrificed on all occasions, and the more shocking these scenes of carnage and bloodshed became to glut the blood-thirsty mania of these African savages.

Such was the condition of all the slave regions of Africa when the first English slave ship found its way to her coast. She arrived there upon a mission of mercy; to be (as Commander Forbes, of the British navy in 1850, tells us he was at one of their sacrifices),<sup>3</sup> the unworthy instrument, in the hands of Divine Providence, in saving the lives of *some* of these miserable creatures doomed to the knife of the executioner; to transport them from this thralldom of heathen darkness into the light and knowledge of the one living and true God.

Humanity and Christian benevolence every where plead for

<sup>1</sup> *Serve* or *Servare*, to preserve, not slay their captives. Inst. Just. lib. i. t. 2. c. 3.

<sup>2</sup> Wheat's Elements of Inter. Law, p. 194. The slave trade is not prohibited by the code of nations; this principle of national law is still in force in Africa, and in all nations where it has not been abolished by municipal regulations. Op. cit. (in loco.), Case of Diana Stowell, 1 Dod. p. 95.

<sup>3</sup> Africa and the American Flag, by Foote.

mercy to the wretched African captive. It was originally the same spirit that induced Moses to retain the foreign fugitive who had escaped from a heathen master to some one of the tribes of Israel: actuated by the noblest impulse of the human heart, he could not suffer the stranger to be denied the blessings that had been vouchsafed to his own countrymen, and remanded back into a land of heathen darkness. The same motives touched the cord of true philanthropy in the heart of Queen Elizabeth, and moved her at first to permit, encourage, and patronize John Hawkins and other English merchants to engage in the traffic. It was the same spirit that first moved the enlightened and philanthropic body of the British Parliament to charter the Royal African, and afterwards the West India Company, for the same purpose. (It was in the Christian hope of benefiting these wretched beings in Africa, that the pious John Newton, of Liverpool, fitted a slave ship, and actually commanded her for several trips in the Guinea Trade.) It was the same spirit that moved the pen of the celebrated Jonathan Edwards in defence of the African slave trade, and prompted him to dedicate one of his master-pieces of logic to that object. It also quieted the conscience of the renowned Cotton Mather to hold them as slaves; and also that of the Rev. Dr. Styles, one of the early presidents of Yale College, to export a barrel of rum to the coast of Africa to buy him a slave.

This appeal for mercy in behalf of the wretched African captive, long rung through the volumes of British eloquence; long buffeted the efforts of Clarkson and Wilberforce, and put off the abolition of the African slave trade to a late day. And had it not been for the cupidity, avarice, and heinous depravity of human nature, that soon entailed the long catalogue of abuses and horrors upon this originally beneficent enterprise, intended, upheld, and supported by the most pious and best men of the age, as a precious boon of mercy for the relief of bleeding Africa, it would have been still openly and successfully extending the hand of deliverance to her benighted sons.<sup>1</sup>

<sup>1</sup> It will, doubtless, be asked why they were, when rescued, still kept as slaves. The answer is, because commerce was the only channel through which they could be reached, and even this change was fraught with great blessings to the slave.

"THE AFRICAN SLAVE TRADE.—The Messrs. Regis, of Marseilles, have made arrangements for the transportation of twenty thousand African apprentices to the French colonies: and the first vessel for this traffic has sailed from Marseilles, provided with sea-passports by both the French and English Governments, for the coast of Africa. The Barcelona Fenix, which makes these statements, says that this vessel takes out a cargo of

This originally beneficent scheme of ransoming these prisoners from destruction, and making them as comfortable and happy in a Christian land as their character and the nature of their condition will admit, is no more accountable for the horrid abuses that have been consequent upon it, than the Christian religion itself is for the oceans of human blood that have flowed in its footsteps. And the question of suppression of the slave trade by law at the present day is one of national policy, and pure expediency, as to whether, in consequence of the avarice and wickedness of mankind, it is not productive of more evil than good to Africa, and the world at large. It is not my purpose to enter into any discussion of this question; but there is a fair question that may be asked by every true philanthropist, Whether these attempts at suppression do not aggravate the sufferings of the African slaves, both in their native country and on their passage, when smuggled away for a foreign port? It is conceded by the best-informed upon this subject, that nothing but the entire conquest of Africa can ever abolish this trade;<sup>1</sup> and the question may be conscientiously asked, whether the ineffectual and fruitless attempts at present being made at suppression are, on the whole, productive of any good.

Every human being with African blood in his veins, who has escaped from this maelstrom of African slavery and of human misery, lived through the horrors of the *middle passage*, and is now alive in a Christian land, owes his existence, and that of his posterity to the merciful interposition of the African slave trade. But for this, the life-blood that now flows freely through the swelling pulsations of his heart, and animates his system, would have long since drenched the grave of some barbaric prince, or person of rank, upon a heathen soil.

The same principle of national law that permitted Abraham

trinkets of small value, which are to be profitably invested in contracting negroes for ten years' service, and conveying them to Martinique and Guadalupe. The *Fenix* adds, that it is supposed this experiment will be often repeated, and finds in it a means of supplying Cuba and Porto Rico with additional labor. In connection with this subject, the *Leon Español*, of Madrid, states that the Government has found the means of supplying these islands with abundant labor, which will soon be put in operation, without infringing the slave trade treaties with England.

"Of course, this is only a revival of the African slave trade, under the hypocritical name of apprenticeship."

<sup>1</sup> See Expedition to Central Africa of Messrs. Richardson, Barth, Overway, and Vogel, 1851, '52, '53, by authority of her Majesty, Queen Victoria. Lond. ed., 1854.

to bring back the women, and also the people from the slaughter of Chederlaomer and the kings that were with him at the battle of Shaveh, to pay tithes of all to Melchisedec, the Jewish High Priest; and to divide the spoils with the king of Sodom and give him the people;<sup>1</sup> the same principle of national law that permitted the Hebrew slave-dealers under the Mosaic code to purchase the captives of the heathen round about them: the same principle that permitted governor Winthrop to brand the captive Pequods on the shoulder, and send them with the negroes to the West Indies for slaves, has also, from the earliest ages, prevailed in Africa, as well as all other nations.<sup>2</sup> By this law of captivity, the custom of sparing the lives of their captives made them their property, as it did in ancient Greece, Rome, and all the nations of Europe. This law, as we have before remarked, was founded in mercy; it was one step in the progress of civilization; it was enacted in favor of human life.

(In Africa, as in all nations, these captives were lawful articles of commerce; the right of the African owner to sell them was perfect and indefeasible, and (as we shall show more fully hereafter), has been universally so held by the judicial tribunals of all civilized nations. Therefore, slaves were originally procured from Africa in a regular and lawful course of trade; it was a legal commerce, carried on by many pious men, under the permission and patronage of Christian sovereigns. As in all other commercial enterprises, companies were chartered by the British Parliament to promote this kind of trade with Africa. At length, bad men engaged in the trade, perverted its original purpose, and abused this privilege.)

*Origin of Slavery in the United States.*

(Some of the English, Spanish, and other slave ships, at length found their way to the West Indies, and the coast of America. Slavery was not legislated into the British Colonies in America; it flowed in there freely as the wind that bloweth where it listeth, for the reason that it was then a regular and lawful commerce, and there was no law in the colonies to prohibit it. New England was for a long time a great importing emporium for African slaves; some of the principal places along her coast owe their origin to the wealth derived from this trade. Newport was not alone; other places contributed their portion. Many of these slaves were retained as domestics, and for other service in the New England States, but they

<sup>1</sup> Gen. 14 : 12, 16.

<sup>2</sup> Wheat's Elements International Law, p. 194.

were mostly reshipped at these places for the West Indies and Southern markets.<sup>1</sup> England, France, Spain, and Portugal, were, for a long time, and some still are, deeply engaged in this traffic. The British Colonies in America made several ineffectual attempts to suppress it, but were always overpowered by the authority of the mother country.)

Feeling a natural aversion to negro labor and negro society, the colonial authorities frequently remonstrated against its introduction into the colonies. But every voice was put to silence, and every effort to remedy this evil frustrated, by the overwhelming power of English despotism; and the trade was continued for years under the favor of foreign influence and foreign power. Hence arose the numerous class of slave population in the United States.

In Virginia, several efforts were made to prohibit the importation of slaves, but the British Government constantly checked all their efforts. South Carolina passed a similar law, which was rejected by the king in council upon the plea that slavery was beneficial to the country as a source of protection, &c. Massachusetts was the first of the colonies to participate in this trade; yet, when she would stop, Governor Hutchinson, acting under the direction of the Crown of England, rejected all her efforts. The importation of slaves into Georgia was early prohibited for twenty years, that this State might be peopled with a sturdy white population, and thus become a strong barrier of protection against the inroad of Spanish incursions from the South.<sup>2</sup> The slave population continued to increase during the colonial existence of the States; till, at the formation and adoption of the Federal Constitution, twelve of the thirteen were slave-holding States.<sup>3</sup>

This class of population was forced upon the colonists against their will in great numbers, and as they existed in all the original States but one, some provision necessarily had to be agreed upon in the Constitution for their recognition and government. The idea is held up by Abolitionists among people not well informed upon this subject, that the African progenitors

<sup>1</sup> Peterson's *Hist. Rho.*, pp. 22, 24.

<sup>2</sup> Bancroft's *Hist. U. S.*, vol. 2, p. 17. Stephens' *Hist. Ga.*, vol. 1, pp. 285, 6, 7, and 8. Tuck's *Black*, vol. 1, part 2d, pp. 49-51. Appendix to *Mad. State Papers*, 3, 1390. Walsh's *Appeal*, 327. *South Carolina Statutes*, 2: 526. Stephens' *Journal*, 3: 281. *Encl. Am.*, tit. *Slavery*, vol. 2, p. 429. Jefferson's *Corresp.*, 146: 2. Elliot's *Debates*, 335. Story's *Const. U. S.*; 3d, p. 203: 132.

<sup>3</sup> Census U. S. 1850.



of the present slave population in this country were originally stolen from Africa ; and hence their present owners and holders are denounced as partakers of stolen property, known to be such.

This is but one of the multiplicity of errors that lie at the foundation of all the misguided zeal and fanaticism that prevail in different States and places upon this subject. X

But is not the same true of the East India company ? look at the horrors and abuse of the opium trade, and others, which will be more fully set forth hereafter. The following passage, it is said, was originally inserted in the Declaration of Independence, by Mr. Jefferson. Speaking of the king of England, he says, " He has waged a cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him ; capturing and carrying them away into slavery in another hemisphere, or to incur a miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for the suppressing of every legislative attempt to prohibit or restrain this execrable commerce." In the first place, it can hardly be said that the British nation waged a war against human nature in permitting and encouraging the African slave trade ; it was, as we have said, in its real design, or as patronized by government, dictated by humanity. In the second place, it violated no rights of life or liberty by capturing and carrying away a distant people into slavery ; it found them already in slavery and doomed to inevitable destruction in their native country. It found them lawfully held and owned by their native masters, and purchased them in a fair and legitimate course of trade ; capturing and kidnapping were never sanctioned by royal authority. Neither was it " the opprobrium of infidel powers." Africa has been visited by the slave merchant of nearly every nation of the earth, as a lawful commerce ; and the traffic is given up by African potentates at this day, with the greatest reluctance. It is even the source of a violent prejudice in Africa against those who have abolished it, and becomes a great obstacle to their commerce with those nations.

This groundless assertion of Thomas Jefferson is as unfounded a scandal upon the government of Great Britain, as his blasphemous remark upon the story of the Virgin Mary was upon the inspired author of St. Matthew's Gospel. He finally

became ashamed of it himself, and concluded to suppress it, from a delicacy of feeling towards some gentlemen of the South; and, as he intimates, from the same feeling towards some of the delegates from the North, then engaged in the Guinea trade. This language, at the organization of the Federal Government, became as applicable to the government of the United States and the framers of its constitution, as to the king of Great Britain — since it is provided by that instrument that the importation of African slaves shall not be prohibited by Congress prior to the year 1808. For eighteen years then, this nefarious war against human nature, as termed by Mr. Jefferson, was continued under the direct sanction of the framers and adopters of the Constitution of the United States. Thus was this scandal of Mr. Jefferson upon not only the English but American nation, silently yet severely rebuked by the united voice of the American people. Thomas Jefferson himself turns a perfect somersault in sentiment, and wages this same war against human nature, by taking the oath to support the Constitution as President of the United States, and that, too, before the time of this provisional sanction of the African slave trade had elapsed. If he was sincere in what he uttered against the king of England with regard to this traffic, what a paragon of absurdity does his biography here present!

Thomas Jefferson was a true patriot and a great man, but he was extremely fond of strange eccentricities, quaint expressions, glaring paradoxes, and sweeping assertions. And he displays this peculiarity in a singular degree in some of his expressions in the Declaration of Independence. He there asserts that “all men are created equal, and endowed by their Creator with certain inalienable rights,” &c.<sup>1</sup> In the first place, all men are not *created* at all; it is contended by some that there never was but one man *created*, and by others that each type of man had its origin in a separate creation. But if it is to be understood that all men are *born* equal, its absurdity in a literal sense is none the less apparent (as we have endeavored to show above). In the second place, men have no inalienable rights either naturally or politically. What natural or political right has a man, that he may not voluntarily or involuntarily forfeit or transfer to the body politic? It is one of the fundamental principles in the science of human government, that it derives its just and full powers from the consent of the governed;

<sup>1</sup> In justice to the real author of this sentiment, it should be observed that this was intended to apply only to political men, members of the body politic; — for to what others did the Declaration of Independence relate?

and this consent consists in a voluntary alienation of a portion for the more safe and certain protection of the balance. Hence government becomes a kind of compromise or compact between the rulers and the ruled; and every individual subject may forfeit his liberty, and even his life, in various ways. He may do it by the voluntary commission of crime, or by enlisting into the army, &c. Again, he may involuntarily forfeit it by such a concurrence of circumstances as to render it necessary; to avoid a death by fire, he may jump into the ocean; the calls of his country may require too "the poor offering of his life, and the victim must be ready at the appointed hour of sacrifice." Physical disabilities and worldly misfortunes may throw him upon the cold charities of the world, and confine him to the prison limits of public alms. Mental infirmities and derangements may consign him to a lunatic asylum; what then becomes of his inalienable right to life, liberty, and the pursuit of happiness?

But let us inquire into what claim Mr. Jefferson had to originality in this particular. Alexander Hamilton, speaking of the British colonies in America, long prior to the Declaration of Independence, used the following language:

"We are threatened with the most abject slavery. It has been proven that resistance by remonstrance will be without effect. Were not the disadvantages of slavery too obvious to stand in need of it, I might enumerate the tedious train of calamities inseparable from it. I might show that it is fatal to religion and morality, that it tends to debase the mind and corrupt its noblest springs of action."<sup>1</sup> "That Americans are entitled to freedom is manifest upon every rational principle; *all men have a common original, they participate in a common nature and consequently have a common right*; no valid reason can be assigned why one man should exercise more power or pre-eminence over his fellow-men than another, unless they have voluntarily vested him with that right. Since, then, Americans have not by any act of theirs empowered the British Parliament to make laws for them, it follows," &c.<sup>2</sup> It will not be pretended that Mr. Hamilton, in the use of the above language, had reference to any other than British subjects, or the Anglo-Saxon race; he is speaking of their condition in America, and assigns this as a reason why they were, and ought to be, free and independent. He could not have intended to convey the fantastical idea that seems to have been taken from it by the

<sup>1</sup> Hamilton's Works, vol. ii. p. 9.

<sup>2</sup> Ibid., vol. ii. p. 3.

writer of the Declaration of Independence, or that it should apply to negroes, Indians,<sup>1</sup> &c. If so, he could not have been so inconsistent as to sit as chairman of a committee of three, in 1788, during the existence of the Confederation, consisting of Mr. Hamilton, Mr. Madison, and Mr. Sedgewick, who reported a resolution to Congress strongly recommending the necessity and propriety of negotiating a treaty with the King of Spain for the restitution of fugitive slaves who escaped from the States adjoining into his territory, to which we shall refer more particularly hereafter. Besides, he was one of the most lucid and logical commentators upon the Constitution of the United States and one of the most successful advocates for its adoption with all its pro-slavery provisions.

But Mr. Jefferson seized upon this restricted remark, metamorphosed it into an ecumenical proposition, and brandished it in his usual sweeping and random manner in the Declaration of Independence. But public opinion, in this instance, too, gave a negative to his startling hypothesis, by adopting the idea as it was intended by its original author; and in the subsequent formation and adoption of the Constitution of the United States, held that only free white male citizens have a common right, and that negroes might be held as slaves, and restored to their owners when they escaped.<sup>2</sup> The framers carried out the full meaning and spirit of this much-abused and misconstrued clause in the Declaration of Independence, in the provisions of the Constitution of the United States, by thus adopting its true and original meaning. It related only to the hereditary claims to prominence and power of the Anglo-Saxon race over one another; hence it provided that there should be no titles of nobility, no established class, rank or religion, that "no man should be deprived of his life, liberty, or property, without due process of law," &c. This covered the whole original doctrine of this celebrated clause in the Declaration of Independence.

At the adoption of the Constitution of the United States, twelve of the thirteen were slave-holding States; and, indeed, it might be said that all were of that character, for although there do not appear to have been any slaves actually held in

<sup>1</sup> The Supreme Court of the United States have recently decided that negroes are not citizens of the United States within the meaning of the Constitution of the U. S.; that the principles of our government do not apply to them; that the government of the United States was designed for the white man, and that slaves are lawful property. (*Dred Scott Case*.)

<sup>2</sup> See opinion of Supreme Court in *Dred Scott case*.

Massachusetts, yet, as we shall see, but a short time previous that State held many, and there never was any law there abolishing it, except the force of public opinion, unexpressed by any direct legislative enactment. There were, at that date, in the several States, about seven hundred thousand slaves. This number could not have been estimated at a value less than three hundred millions of dollars. This vast amount of property had been originally acquired in a legitimate course of trade; the right of the owners was perfect and indefeasible by any act of legislation without remuneration. How, then, could the subject be disposed of in the formation of the present government? It must be tolerated or abolished. But were the United States able, at the close of a protracted and expensive war, with a bankrupt treasury, to pay this amount as a remuneration to the owners for the loss of property and damages sustained by the abolition of slavery?

It must, therefore, be tolerated, and its existence provided for as a matter of right. The policy adopted by the framers of the Constitution was (as we shall show more fully hereafter), for Congress to abstain from all interference with this subject, directly or indirectly, and to leave it exclusively to the governments of the several States in which it existed.

### *The Position and Treatment of Slaves.*

(The definition of "a slave, is one who is subject to the power of a master, and who belongs to him in such a manner that the master may sell him, dispose of his person, his industry, and his labor; and who can do nothing, possess nothing, nor acquire anything, but that may belong to his master."<sup>1</sup>)

Many of the features of this definition have but a nominal existence, without any practical effect. It will be seen that the slave belongs to his master only for certain specific purposes. The idea of property in his person (as we shall show more fully hereafter) is but a fiction of law. The power to sell, alienate, and transfer, is not only an essential requisite to the existence of the present relation between master and slave, but greatly enhances the value of that relation; and when not abused, it is a source of great comfort and blessing to the slave. By this provision of law, the master who cruelly treats his slave can be compelled to transfer him to another master. Besides, the

<sup>1</sup> Civil code of La., Art. 35, Domat. tom. 2, sect. 97; ff. D. lib. 1, 5, l. 4, s. 1. et Tit. 6, l. 1, sect. 1. This definition does not make a slave, but presupposes his existence. A thing cannot be defined that has no existence.

slave who is dissatisfied with his master can select another more congenial to his notion, and by requesting the change, the master will generally find it to his interest to grant his request, as the value of the slave's services consists, in a great measure, in his being contented and satisfied with his master. For this reason, slaves are seldom sold except in families. The idea is prevalent among the misinformed upon this subject, that no heed is given to the desires of the slave in this particular; but this the universal experience of every man acquainted with the management of slaves will contradict. Though the slave's right to property is not known *de jure*, yet it exists, and is practically recognised *de facto*—as much so as the property of a free person; and in their intercourse with the world it is universally observed and respected. Like the Roman slaves they have their *peculium*, to which the master lays no claim.<sup>1</sup> And many a one, by industry and economy, acquires sufficient means to purchase his freedom. But comparatively few are willing to invest it in that way. The remark of an industrious and economical negro man, belonging to a friend of mine, illustrates their general ideas of freedom. It was generally supposed that he had accumulated a considerable amount of money. I asked him one day, in the presence of his master, why he did not purchase his freedom, to which he replied that negro property was so fluctuating that he considered it a poor investment, and he was looking out for a better speculation.

This shows the utter contempt and ridicule in which the more intelligent portion of the slave population hold the subject of liberty, accompanied with all the disabilities and disadvantages which the negro must suffer in all parts of the country. He feels and realizes the fact that he enjoys all the freedom that the nature of his character and condition in society will possibly admit. He sees thousands around him nominally free, but who are actually in a worse slavery than himself, and with whom he would not exchange situations. He concludes that, after all, this boasted liberty is but a sound, an unmeaning thing, and that slavery is the happiest condition that the black population in this country can enjoy.<sup>2</sup>

<sup>1</sup> Civil Code of Louisiana, Art. 175.

<sup>2</sup> A RETURNING PENITENT.—Our readers may remember an advertisement of a runaway that appeared in our columns some three years since, and excited some characteristic comments from the New York Tribune. No information was elicited by the advertisement concerning the fugitive, who was a very intelligent and valuable servant, that had been well treated and well regarded. We have now before us, however, a letter written by the servant referred to, who addresses a friend and relative.

The numerous classifications and divisions of labor peculiar to Roman slavery, are unknown to the American system in the United States. They are here divided into but two classes or divisions, known as the house or family servants and the plantation hands. These latter are generally under the management of an overseer, who corresponds to the Roman *villicus*, having the superintendence of all the affairs immediately connected with the plantation. This is a necessary regulation, and one enforced by law where the proprietor does not reside on the plantation. It is as necessary for the safety and peace of the neighborhood as for the good order and regulation of the plantation. From fifty to one hundred negroes dwelling together in a single village or quarter (which is about the average number), without the immediate supervision of some white man, to regulate them and keep them in order, would be as dangerous a foe to the surrounding plantations, as well as their own, as a camp of Comanche Indians to the border settlements upon our frontier.

There are in the slave-holding States a numerous class of persons who make this a regular profession, and follow it constantly for a livelihood. Their reputation and success in business, like all other professions, depends upon their skill and judgment in discipline and good management. Many of the most prominent citizens of these States have commenced life by this kind of employment, and risen from it to wealth and distinction. The duties of an overseer are those of any other general superintendent of any particular branch of business. He is invested with all necessary authority to secure the services of those under his charge, and to preserve good discipline and order in the quarter.

All those barbarous modes of punishment, such as wearing the *furca*, the cross, hanging them up by the hands with weights to their feet to be whipped, have all been done away. In turbulent and unmanageable cases, corporeal punishment is still allowed. But this, among all humane and judicious managers, is resorted to with reason and discretion, and not unfrequently with great reluctance.

The instrument generally used for inflicting this punishment is a soft buckskin thong, from four to six inches in length, and

enclosing an appeal to his mistress, and begging permission to return to servitude and safety. He addresses earnest and emphatic assurances of penitence and regret to his "dear mistress," and begs her to receive and permit the return of her "dear servant." The New York Tribune will notice, of course.—*Charleston Courier*.

from a half to an inch in width, attached to the end of a common whip. All excessive punishments are discountenanced; the greatest dissatisfaction is generally felt by the owner at the breaking of the skin in the course of such punishment; and, should it happen, not unfrequently the manager is discharged for the violation of this fixed rule. Confinement in the stocks is also sometimes resorted to in the most desperate cases, and for certain criminal offences. The idea generally held up by the Abolitionists, that the slaves are all brutally beaten and whipped without discretion or mercy, is false and unfounded. Nothing is a more certain source of dissatisfaction, on the part of the owner, than the cruel treatment or neglect of his overseer to his slaves. That instances of cruelty and neglect, from brutal and unprincipled managers, do sometimes occur, cannot be denied; but these are rare, and generally meet with the severest rebuke from public opinion, and, if possible, are visited with the penalty of the law. There is no object of human sympathy upon which it is more keenly alive, in the Southern States, than that of neglect and cruel treatment to slaves. Their helpless and dependent condition renders them peculiarly the objects of sympathy in this particular.

Their tasks of labor must not be beyond their strength, their constitution, and ability to perform; if humanity, law, and the force of public opinion should all fail to regulate this matter within its proper bounds, pecuniary interest, always the last and most sordid appeal to the motives of the master, would restrain him from over-working his slave.

The plantation hands generally reside in a little hamlet or cluster of cottages, apart and some distance from the master's residence, when that is on the plantation; this is called the "*quarter*." It consists of a group of cabins numbering in proportion to the number of inhabitants, arranged in rows at some distance apart, with a yard or play-ground intervening, generally beset with large shade trees. This little cluster, when adorned with its usual hues of snow, ensconced beneath and within the verdant shades of some retired grove, looming out with its glimmerings of white through the green boughs of the trees, presents a scene to the view of the traveller approaching the distant heights of the back-ground, that, were he not accustomed to the optical illusion, he might mistake for a respectable New England village. The hands leave the quarter in the morning at the ringing of the bell, and are in the field in the busy season as soon as daylight will enable them to work. When the distance from the quarter will not admit of their re-



turning to their meals, they are carried to them in the field. They continue at their work till towards noon; when it is time to feed the teams, the plough-boys then return to the stables for that purpose, and the balance, commonly known as the hoe-hands, take from one to three hours' recess according to the heat of the weather and the condition of the crop. During the hottest part of the summer it is common for them to take three hours' recess in the middle of the day. This time they spend in lounging and sleeping in the cooling retreat of some adjacent grove or shade trees upon the borders of the field; after which, they again resume their labors and continue till dark; when they return to the quarter, get their suppers, and retire for the night. Such is the regular routine of their daily labors during the planting and busy season for the week till Saturday noon; then, if the condition of the crop will admit of it, they are discharged from labor till Monday morning. This portion of the day they usually spend in cultivating their small "patches" for themselves. And those of the men who are too indolent to improve this opportunity, as many of them are, they are compelled to it by their managers. The women spend their time thus allowed them in washing and repairing their clothes, and preparing to resume their labor on the following week. It is a privilege commonly given to those of the men who will improve it, to plant and cultivate small portions or "patches" (as they term them) for themselves. From these they not unfrequently realize from thirty to fifty bushels of corn; this, with the fodder that they can save, they can sell to their masters, their neighbors, or haul to a neighboring town, for from thirty to forty dollars. They also have the privilege of raising poultry and of selling their eggs, chickens, ducks, and turkeys, besides all they can realize from odd jobs and over-work, for which they are as regularly paid as hired laborers. I know of many plantations where book accounts are kept with the slaves, and every item, that belongs to their debt and credit, is as formally and regularly entered as in the account-books of country merchants.<sup>1</sup>

On the plantations fronting on the rivers and navigable

<sup>1</sup> ONE OF THE "HORRORS OF SLAVERY."—The Norfolk (Va.) Herald states that, a few days ago, several free negroes were put up at auction, in Norfolk County, and sold to labor for a term sufficient to liquidate their taxes. Singular to relate, four of them were purchased by a slave in Portsmouth, who felt quite proud of the distinction, and made known his determination to get the full value of his money out of them, or know the reason why. This is a development under our "Institutions" which the apostles of free society would do well to make a note of.

streams, the slaves are usually allowed a portion of time in which they may cut cord-wood for steamboats. This is a very lucrative business; and, where opportunities are favorable, both the master and slave realize great profits from the sale of their wood. Any hand can, in a favorable situation, who is kept at ordinary industry, realize from five to six hundred dollars per year for his master, and from fifty to one hundred for himself.

Thus, any slave, who has been well disciplined and enured to habits of industry and economy, who will improve his opportunity, may actually save as much for himself, besides the service that his master claims, as the majority of laborers in the free States, who labor for from ten to fifteen dollars per month, clothe themselves, and sustain all losses from sickness, want of employment, &c.

Where can there be found a class of agricultural hirelings who actually save, on an average, more than from fifty to one hundred dollars, annually, for any number of years from their earnings? On the other hand, how many thousands are there who but just live and support their families from hand to mouth by their daily labor, without being able to save one dollar at the year's end;—a class who must be constantly weighed down with cares and anxieties for the welfare of themselves and families in sickness and other misfortunes.

The slave is relieved from all this oppressive burden of troubles; he is comforted by the pleasing consolation, if he has any thought for his family, that they have a sure support, in sickness and health, in infancy and old age. He is relieved of all those dark forebodings of the future that so weigh down and depress the spirits of the poor laborer of the free States.<sup>1</sup> All that the slave makes is his own; he has nothing to pay out for the necessities of life, though in strictness of law all that he has belongs to his master; yet this is but a nominal provision; it is all included, like a wheel within a wheel, in his possessions. But he is the proprietor of his slave's *peculium* only as his representative, guardian, and protector, to see that he is not wronged, and that he does not apply his means inconsistent with his duties as a servant. It is given in charge by the law to the master for the same reason that the slave's person is, and that is because he is incapable of managing it himself.

<sup>1</sup> Although the negro race are naturally more disposed to idiocy and insanity, yet among the slaves of the South, the like are almost wholly unknown, an evidence of their happy state of mind. For statistics on this point, see Essay on Political Slavery, post, p. 367.

As to their food and clothing, it compares well with that of any class of free laborers with whom I have become acquainted. They are generally allowed plenty of the most substantial and wholesome articles of diet. It is generally estimated that it requires as many barrels of mess-pork, of two hundred pounds each, as there are slaves, big and little, to furnish them with meat for one year. It is true, that the planter is not always at the expense of purchasing that amount, for the reason that he has other sources of supply; but the amount of meat annually consumed, on every well-managed plantation, is equal to this estimate.

For breadstuffs, an allowance is made of a bushel of meal, per month, for each slave. In addition to this, they generally have sweet-potatoes and milk; besides, all the poultry, vegetables, and other articles which they may raise, or purchase themselves. They have also privileges by which they are enabled to supply themselves with sugar and coffee; their tobacco and molasses are furnished for them by their masters. For clothing, the general rule is two suits a year, one for summer and one for winter. Their winter suits are made of heavy goods manufactured from cotton and wool, called jeans; they have, also, for winter, one blanket, over-coat, and flannel under-shirts. They wear a kind of wool, or glazed hat; they have, also, two pairs of shoes, or, more frequently, a pair of shoes and a pair of boots. Their summer suits are made of a kind of cotton goods called Osnaburghs, or Lowells. These keep them well clad for their labor during the year; they have separate suits for Sundays, for which, and the few articles of luxury that they buy, they generally spend their savings during the year.

It is now Christmas; the cotton-picking season is over; the slaves have finished their year's work, and are now enjoying their holidays. They have a week to themselves before resuming the labors of another year. While I sit penning this chapter, the town is thronged with hundreds of the black people from the neighboring plantations. They have come to town to sell their "truck" (as they term it), which they have raised during the year, and to buy articles of family luxuries, and fine clothing, as they may fancy. They spend this week in visiting, feasting, frolicking, dancing, and such other amusements as they most enjoy. When it has passed, they cheerfully make preparations for another crop.

The house slaves or servants have nothing to do with the plantation; they are retained as waiting servants, and their duties are confined to the more immediate wants of the family.

One has charge of the sleeping-rooms, and the various apartments of the house ; others of the culinary department ; others of the laundry ; others again, of the horses kept for family uses, and pleasure carriages. This class of servants have their houses usually in the back yard, or somewhere near the family residence, and eat at what may be called the second table, after the white members of the family. Like all white servants throughout the free States: in all families of respectability they are kept neatly clad ; and often for a Sunday garb, or ball dress, put on what would, in a Quaker village, be called a rich and extravagant costume.

No traveller of observation can have failed to notice the dashing glitter of gewgaws and finery in which the colored servant girls promenaded the streets of the principal towns of the South, in going to, and returning from church ; and the fine broadcloths and kid gloves of the colored gentry who accompanied them. There is no happier class of laboring people in the world than the family servants, generally, at the South. Their labors are light ; what in a New England family would be put sometimes upon the wife and mother alone, or upon one or two of the daughters, or where help is hired, upon one poor Irish servant girl, with a compensation seldom more than from a dollar and a quarter to a dollar and a half per week, would in all families of any considerable wealth be divided between from three to five servants.

It is asserted by Abolition writers and speakers that the slaves enjoy no religious privileges. This is another one of the numerous popular errors resulting from ignorance and misrepresentation, that help to fan the flame of popular fanaticism that pervades the Abolition crusade of the North against the South. By the rules of church discipline, slaves are admitted as, and actually become, members of all Evangelical churches throughout the slave-holding States. In all towns and neighborhoods where there is regular preaching they are generally privileged to attend, and one exercise of the Sabbath is usually devoted to their express benefit. Plantations and settlements remote from these privileges, are generally supplied by itinerant preachers either of the Methodist Episcopal Conference, or by those appointed by the several denominations to take charge of the different stations of the African Mission. Not unfrequently, settlements support local preachers for the benefit of the colored population. It is true, some masters object to having preaching on their plantations, and to their slaves

attending church ; but such men are not peculiar to the slave States.

Child-like in their intellectual capacity, predisposed to superstition, credulity, and imitation ; confiding in their superiors, without reason or reflection, they become the most willing and ready pretenders to religious notions. But these have very little practical effect upon their moral character. They are generally the most zealous and enthusiastic converts of the faith ; but their zeal, unfortunately, is not according to their knowledge. This misfortune, however, is not peculiar to the slave population. They are more passionate and flaming in their pretensions to religious observances, than scrupulous and exact in the discharge of their practical obligations ; more vehement and boisterous in their devotional exercises, than penitent and humble for their remissness of duty. But we fear that even these remarks cannot be confined to the colored population.

Marriage rites and ceremonies are as strictly observed among them, and the relation of husband and wife, parent and child, as firmly protected, generally, as their character and condition will possibly admit. These are essentially under the supervision and direction of the master, for without the influence of his immediate interposition and regulation, such relations could no more exist among African slaves in America, than in their native country. The proper regulation of the matrimonial connection, is the cause of more difficulty, trouble, and anxiety to the master, than perhaps any other subject connected with the management of his slaves. Upon this subject the males and females are mutually unfortunate and ill-adapted in their nature to the security of family tranquillity. We hear much prating and rhodomontade among anti-slavery writers and speakers, about female virtue ; much about the heavenly boon guaranteed to all females in the protection of their chastity. And when they preach and write about enlightening the South upon the evils of slavery, they would have us believe that this is dearer than life to the female slave ; that it is the pearl of great price, and pure as the driven snow. They would also teach us that it may be involuntarily prostituted to open shame by the wanton authority and control of the master with impunity. But this is the result of ignorance and bad philosophy. This is the most indelicate and objectionable part of our subject ; yet with the high precedent of the modern Sto(we)ic philosophy before us, we need feel no qualms of delicacy or self-reproach in entering upon a brief consideration of the subject.

The relation of master and slave puts the latter in his power

only for certain specified purposes ; and he cannot, by virtue of that relation, exercise any more power or control over the slave than is implied as necessary to secure the object for which the servant has been intrusted to the charge of the master. Hence nature, law, and public opinion, all cry out and remonstrate with an unwavering voice against the usurpation of any illegitimate and unnatural authority over the slave for dissolute and abandoned purposes. Nature has wisely regulated the government of the passions in both man and beast, with a view to the protection of the weaker sex. And when the master approaches even the negro wench for the purpose of improper familiarity, nature disarms him of all superiority over her ; and he must not only meet her upon grounds of equality, but humble himself at her feet. And thus conscious of his own guilty position, like the cowardly thief in the night, he loses all courage for the exercise of authority or resistance, and if she has but the disposition, she may, with perfect impunity, spurn his proffered kindness with contempt. And the master, so far from entertaining feelings of revenge, would value the slave higher and praise her the more for her strict adherence to virtuous principles. Every slave-holder knows, if not, he will soon learn by sad experience, that just in proportion as he practises or permits and encourages dissolute habits among his slaves, he loses the confidence of the males as a master, and the reverence and respect of the females as a superior. And these are the only effective sources of authority and good government over them. The man who would violate his trust and prostitute his authority to overcome the chaste and virtuous habits of a helpless and defenceless female slave, is as much a monster in human shape, as he who is guilty of incest within the circle of his own domestic fireside. And though violations of the natural, civil, and moral law, in both these instances, may, and do, sometimes occur, yet they show the offender equally as unfit to have charge of the personal subjects of the outrage in one instance as in the other. They are both alike responsible to the law, responsible to public opinion, and above and beyond responsible to their God and the tribunal of their own bed and board. This last responsibility, when all others fail, operates as the chief of terrors to all such evil-doers. We hear it said that in the case of the slave there is none to avenge the wrong ; but the culprit can never escape the horrors of a guilty conscience or the dread of exposure. In most cases he would call upon the rocks and the mountains to fall upon him, and hide him from the day of wrath and the terrible revelation of house-

hold vengeance that awaits him in a day of retribution. Thus the injured female servant feels conscious of the protection of the domestic tribunal to which she can safely resort for redress. And this is an arbitress that, it is universally acknowledged, in matters of this kind, "beareth not the sword in vain."

What evils are there, then, in this particular, peculiar to the relation of master and slave? or that do not apply with equal force to the condition of hired servants? We shall, perhaps, be told that one has redress at law, while the other has not; but what privilege is that to the destitute servant girl, who is struggling, as it were, between life and death, with the task of three slaves imposed upon her, for the pitiful compensation of one dollar and a half per week—a sum not sufficient to keep her in decent clothes, to say nothing of her liability to sickness and other contingent expenses—without friends, without money, and liable, at the least displeasure of her employer, to be turned out upon the cold charities of the world, and there to incur the uncertainty and difficulty of obtaining another situation, or go to the almshouse for a support. No such fears, no such dread or anxiety operates upon the mind of the female slave; she knows that she has a protector, to whom she can resort with impunity. But does the law afford no protection to the slave in this particular? I answer, yes; the culprit is just as amenable and liable to its penalties, for any violence or outrage, in the one instance as in the other. The female slave has as strong inducements, and as much encouragement to lead a virtuous life, as the hired servant girl, if she had the disposition; and she has quite as strong a shield of protection thrown around her, both by nature and by law, if she chooses to avail herself of the privilege. But the predominance of the animal passions superinduces the loose, easy and reckless habits, in this respect, natural to the negro wench. Her character, in this particular, forms a striking contrast to the deathly tenacity of her virtue, peculiar, of all savages, to the Indian squaw.

The same animal propensities that produce the lax and dissolute vices of the females, produce the jealousy and disaffection of the males. Jealousy, the invariable concomitant of a weak and dissolute mind, is the enslaving sin of the black man. He is naturally the most jealous of all creatures, and comes nearest to a monomaniac upon this subject of any being in the world. This is a constant source of family bickerings, broils and difficulties, that sometimes end in tragical scenes of blood. Hence arise the difficulties and trials of the master in preserving the proper discipline and government of the quarter. It therefore

becomes a matter of paramount interest, and the imperious duty of every master to inculcate and enforce the most rigid adherence to virtuous habits and conjugal fidelity among his slaves.

The animal impulses and vices of this kind, peculiar in degree to the negro and some other savage races, from their physical organization, must for ever be one of the most destructive elements to the existence of organized society among them. And but for the influence of civilization, and the rigors and restraints of domestic discipline, they would lead to promiscuous intercourse, or keep them in constant anarchy and confusion, and thus hasten their degeneracy into their original savage state. Wherever they are brought under this influence, and subjected to this discipline, by the force of habit and imitation they may, and do, in a degree, overcome these wayward propensities, and attain to some degree of elevation in their condition and character.

Again, we hear of long and windy appeals to the sympathies of anti-slavery people, about the horrors of separating man and wife, parent and child, as though this was necessary to the relation of master and slave, and peculiar to that institution. Here is another of those popular errors blazoned forth by ignorant and malicious brawlers, to inflame the prejudices and excite the hostilities of one section of the Union against the other.

To the native African, a wife or a child, as to any of those cares, anxieties, and tender regards that exist in the bosom of civilized man, is wholly unknown. By the force of habit and imitation, they imbibe these feelings to some extent in their connexion with civilized society; yet even then they often cherish a morbid insensibility to all ties of family and kindred that is truly derogatory to human nature. Horrid as the idea of an owner and master may seem to the Abolitionist, the poor wife is often glad to appeal to his merciful protection against the cruelties and brutal treatment of her husband. So also is the child against the neglect and abuses of the mother. The authoress of *Uncle Tom's Cabin* has kindly informed us that emotions of parental and kindred attachment are ardent and strong in the hearts of the negro race, but my experience and observation have led me to form a very different conclusion upon that subject. Lust and beastly cruelty are the strong passions that glow in the negro's bosom. "There is no flesh in his obdurate heart; it does not feel for man," or beast. I have often witnessed scenes of his cruelties to animals, that would make the heart of civilized man bleed at every pore. This is



natural to his race in their native country ; it results from the peculiar physical conformation of the head, and the consequent predominance of the animal passions. All travellers agree in bearing testimony to the truth of this fact. But it is the interest, as well as the duty of the master, to improve the character of his slaves in this particular, as the value of their services will be greatly enhanced thereby.

Though the slave, like a minor, cannot marry without the permission of those under whose authority he may be, yet no control is exercised by the master over their choice of a companion. When married, each family has its separate house or apartment, where they are required to live together decently and faithfully as man and wife. These houses, as we have before said, are situated together in clusters of cottages in some pleasant and retired situation. In building them, they are generally raised from two to four feet from the ground to give a free circulation of air under them, and thus render them as cool and comfortable as possible. These cottages are generally frame buildings (though sometimes of brick and sometimes of logs) of one story in height, and two rooms from sixteen to twenty feet square, finished with a view to health, convenience and comfort. We often hear of their living in miserable huts, with no floor but the earth, without bedding, &c. It is true, there are instances of this kind, as there are in every community where poor, destitute and improvident people can be found. But why should these exceptions be heralded forth to the world as one of the evils of slavery? With the same plausibility might such facts be urged against the present organization of society. "The poor ye have always with you." No traveller can pass through the laboring communities of the Northern States, and observe the condition of thousands of the poor and destitute, without seeing and feeling the inconsistency and injustice of such slanderous imputations upon the condition of the slave population of the South. But more of this anon.

Whoever has passed through the channel from Lake Erie to Lake St. Clair, and observed the soldiers' quarters at Fort Malden, has a very correct idea of the external appearance of a Louisiana negro quarter. This the author observed to a large number of passengers while passing that place in the month of October, 1854. Indeed, the whole Canada shore, along the channel, might easily be mistaken for the Louisiana coast, at a moderate height of the water of the Mississippi.

It is for the interest, as well as the duty of the master, to cultivate the tender sensibilities, and improve the character and

condition of his slaves in this respect, as the value of their services will thereby be greatly enhanced. Interest, then, as well as humanity and duty, plead against the separation of husband and wife, parent and child, and the breaking up of families. This sentiment so pervades public opinion, that such instances but seldom occur. Observe the list of notices of the sales of negroes throughout the Southern States, and almost universally you will see the specification that families are not to be separated. It may be boldly asserted, in the hearing of all Southern men, and those best acquainted with the system, that such is the law and the state of public opinion, that there is not a slave-holder in the country, of respectable standing in the community where he lives, who would consent to sell a family of slaves separately. And I venture to say, further, that you may travel from Pittsburg to New Orleans, and from Baltimore to Corpus Christi, and try every man in both routes, and not be able to purchase a child under ten years of age without its mother, if alive.<sup>1</sup> But are the laws of slavery the only laws that permit the separation of husband and wife, &c. ? I appeal to maritime and martial laws, the regulations of the army and navy, commerce, California gold, and the Mexican and foreign wars, for an answer to this question. Why is it, then, that this system is alone singled out as the peculiar object of calumny and vituperation ?

If there is one spark of true philanthropy, if there is one sincere emotion of friendship and kind regard for the welfare of the slave, known to the Anglo-Saxon race, that exists in its greatest purity and most unalloyed state in the benevolent heart of the Southern master. I have become convinced of this truth from a somewhat long and familiar acquaintance with real facts. The many instances of kind regard and mutual attachment that I have witnessed between masters and superannuated servants, who have long passed their days of usefulness and profit, and become helpless, have satisfied me that the truest friends to the black man are those who have been raised by, and among them, and best know his character and condition, and best understand his interests and his wants.

When age and infirmities have rendered them unfit for the daily duties of regular hands, the men are assigned some light task about the garden or the quarter, suited to their ability ; and the old women are left to attend to the children, knit, sew, or spin, and sometimes, when they are able, to cook. They

<sup>1</sup> The law prohibits it.

are generally spoken to by all the white members of the family in terms of kindness and due respect, generally addressed by the epithet of uncle or aunt. I have known of great devotion and regard for the welfare of these aged and helpless people; and by all masters of good breeding they are kindly treated.

Jack was a faithful old patriarch of the neighborhood; he had lived to see three generations, and was looked up to by all his fellow-servants for counsel and advice; he was an hereditary servant, and had already passed to the second generation in the family; he was the body-servant of his elder master, and had helped to raise his young mistress from her cradle. He had seen her grow up from her infant gambols and childish sports to a pious and devoted young mother, with a group of interesting children around her. Jack loved them all better than his own, and they all respected Jack; he had been a faithful, and was still, as far as he was able, a worthy and devoted servant. He was, of course, a great favorite of his young master, who always treated him with the greatest kindness and attention; and Jack felt more than the interest of a father in his young master's welfare. His master always permitted the most free and familiar conversation to Jack, and to humor and gratify his good wishes, often took counsel and advice with him upon matters of importance.

But Jack's days were numbered; a sudden change to a cold December wind, had prostrated him upon a bed of sickness to rise no more. Then came the test of the sincerity in their friendship and kind feelings for poor Jack. And never was kindness more sincerely manifested; all felt the deepest anxiety and concern; his master scarcely left his bedside, day or night, till death laid his icy hand upon him, and poor old Jack was numbered with the congregation of the dead. And when the news was announced to the household that this time-honored servant of a former generation was no more, a sadness and solemnity cast its shade over the countenances of all, as though a vacancy was felt in the ranks of the family circle. This is but one instance, similar to thousands that might be mentioned, to show that it is natural to the human heart, when possessed of kind and benevolent feelings, or even of the common sympathies of humanity, to cherish sentiments of gratitude and compassion for the helpless condition of those who have spent faithful lives in devotion to the service and welfare of their masters.<sup>1</sup>

<sup>1</sup> We find in the census that of the free negroes there are 21,160 over the age of sixty. Who shall provide for these decrepid men and helpless

We often see striking manifestations of a kindred sentiment towards even the animal creation ; some faithful old dog or horse, that has long since passed his days of usefulness, is long nurtured by the kind and compassionate attention of the owner, not for what he may hope from them in future, but in gratitude for the good they have done in the past. This example is not instanced to compare man with beast ; but to show that it is but the natural impulse of the human heart, when thrown into long association with man, or even beast, to contract feelings of attachment, of kindness and compassion for their misfortunes. And when those feelings are not repulsed and eradicated by the vicious and refractory character of the negro slave, they beget for him a friendship and compassionate regard for his welfare, that can be found nowhere so sincere and so warm as in the heart of a kind and benevolent Southern master. In confirmation of this truth, instances by thousands might be enumerated of the heroic devotion of masters and mistresses to the health, safety, and comfort of their slaves, even at the hazard and loss of their lives in times of great pestilential peril. But our limits will only permit us to mention but few. An instance of this kind, often related to me, and of which there are many living witnesses, now occurs as suitable to give as an illustration. It is an account of the heroic devotion of a distinguished lady who lived in the parish, and near the place where the bloody scene of Uncle Tom's death was laid. It occurred during the terrible ravages of the cholera through the Red River country, and the different parts of the South, in 1833.

Already it had stricken down its thousands in and around this section of the State of Louisiana. Already its bloody footprints might be traced high up upon the banks of this stream, and wide over the face of this devoted section of country ; it sped its course bearing a trail like "the destroying angel that walketh in darkness and wasteth at noonday." At length, it broke out in the numerous household of the subject of this narrative ; her husband was absent ; its victims were falling thick and fast around her ; moved by compassion for the

women ? Left to the cold charities of strangers, they linger out a miserable existence : not so with the slave ; of these, we have 114,752 over the age of sixty ; yet are they, for their faithful services, kindly treated by their masters. The free States, in 13,000,000, have but 5,641 over the age of ninety ; while of the slaves, in 3,200,412, there are 4,109 over that age, which is indisputable evidence of their kind treatment. (See post, p. 367.)

suffering and helpless condition of the servants in her charge, this heroine left the family residence, and a group of darling children smiling around her, and rushed, as it were, into the jaws of death, to try to administer to the comfort and relief of her distressed slaves. There she continued her labors of mercy among them, night and day, till in turn, she herself fell a victim to this deathly scourge and a martyr to the benevolence and magnanimity of a true Christian heart.

Among a thousand others, I will mention but a single instance of the kind that fell under my own personal observation.

In 1850, this same deadly plague, the besom of destruction, swept through the land nearly in the same broad pathway of its former range; again came this messenger of fate among us, shaking pestilence and death from his gory locks; again, the grim angel of death hovered near, flapping his dark wings over the fairest portions of the Pelican State. Thick and fast, like the leaves of autumn, were the slain falling on our right and on our left. The sounds of lamentation and sorrow rung along her coasts, echoing over her prairies and through her plains. The sable moss tresses hung like funeral palls upon the lofty cypress, waving their sepulchral drapery in the breeze as the mourning vesture of the forest; and all nature had put on its garb of sorrow.

At this critical juncture, a young friend of mine, with one hundred slaves in his charge, set out from the mouth of this same Red River to locate them upon his plantation up some distance in the interior of the State, hoping, by this means, to get beyond the reach of the pestilence. During the second day on his journey, it broke out in all its fury among them. Did he flee for his life, and abandon them to their fate? Let the keen pangs of grief that wrung the life-blood from the heart of his wife and children, let the tears and sorrows of a large circle of acquaintances and friends, and the lamentations of his own faithful servants, answer the question.

Like the heroic pilot upon the burning ship, tossed upon the high and giddy wave, he bravely kept his post to the last. One by one, to the number of some eighteen or twenty, in the space of a few days, he carefully consigned them to the dust; till his own choice spirit, glowing with the warmest sympathies for suffering humanity, took its flight, and his weeping servants in turn sorrowfully bore a kind and humane master to the gates of the grave.<sup>1</sup>

<sup>1</sup> It is commonly supposed, by the Abolitionists, that the slaves of the

What would have been the fate of these unfortunate beings had they been in the boasted land of freedom? Who would have cared for them had they been conveyed by some subterranean railroad scheme to the heart of an abolition community? Ye boasting philanthropists, read the following facts, and weep tears of blood over the truth!

"SINGULAR AND HORRIBLE STATE OF FACTS.—A correspondent of the Cincinnati Commercial, writing from Franklin County, Ohio, relates the following: A relative of his named David Ward, who made his home with Thomas Ward, was taken with the cholera and died, having two negroes to wait upon him during his illness, there being none of the neighbors who would go to the house. After his death, two men went from Franklin to Ward's house, dressed the corpse, and put it into a coffin. One of the negroes who had waited on David lived on Thomas Ward's farm, and had a wife and three children. He was taken ill with the cholera, but was in a fair way of recovering, when his wife and one child died. At this he got out of bed and ran off. He was found dead a few days after lying in Clear Creek, with one of his arms broken. An undertaker had the bodies of his wife and child decently buried. The negro man who had waited on David Ward, and the two remaining children, were, at that time, at Thomas Ward's. The man was taken with the cholera, when Tom Ward sent him to the woods to die. One of the negro children being also taken with the cholera, Ward led it out into the woods, and laid it beside the sick man, where it died in a few hours. Ward dug a hole at some distance, threw a long rope to the sick negro and ordered him to tie it round the corpse of the child, which being done, he dragged the body to the hole, pulling at the end of the rope; and then made the sick negro drag himself to the edge of the hole and push in dirt until he covered the dead body of the child."<sup>1</sup>

All this revolting scene occurred in the heart and hotbed of

South have no affection for their masters and mistresses; but how mistaken would they find themselves could they but witness their lamentations and sorrowings frequently at the death and burial of those who have long kindly and carefully watched over them! While masters and mistresses will peril their lives for their servants, they, in turn, are as faithful and devoted to them as their own children in time of sickness. This is abundantly proven by the numerous instances of self-sacrifice and heroic devotion of the slaves to their masters and mistresses, recently shown in Portsmouth and Norfolk, Va.

<sup>1</sup> Who would not rather be the fictitious Simeon Legree than the real Thomas Ward?

the Abolitionists; in the neighborhood of Annt Rachel Halliday's. But where was Senator Bird, Honest Old John Van Trompe, Simeon Halliday, Phineas Fletcher, Giddings, and Senator Chase? Perhaps they had adopted the Scripture motto to "Let the dead bury their dead," and were at this very time employed in the more imperious Christian duty of transporting Eliza and her little Harry, by underground railroad, to Canada.

Need I refer to the shocking scenes of suffering that necessarily occur among the free population, in all large cities, that have not the means to secure their own comfort during the prevalence of these terrible epidemics?—a state of things that gives rise to the various bodies of charitable associations for their relief. How much better in this respect, as well as in all other helpless situations, is the condition of the slave! This feeling of confidence and assurance that he will be provided for in all times of need; that in all times of trial he can fall back upon the sympathy and compassion of a benevolent master, like a child upon a parent, is a great source of comfort and consolation to the slave. It renders him always cheerful and happy. No anxieties and troubles about himself or his family, no dark and fearful forebodings of the future, weigh down and depress his spirits. He is never subjected to such fits of gloom and despondency as we often see depicted upon the countenances of thousands in the land of liberty. A gloomy and depressed state of mind is altogether unnatural to a negro slave. With perfect deference to your position, with perfect confidence in your sympathy, kindness, and compassion towards him, he will always approach you with a smile of familiarity, freedom, and cheerfulness, totally unknown to the privileges of a negro in any other part of the country. None of that arrogance of superiority, none of that stern and relentless scorn peculiar to the people of the free States, in their intercourse with the negro race, ever finds place in the chivalric heart of a Southern master.

The cause of this is in the different relation and relative position in which the parties are placed with regard to one another. Ever conscious and ever taught to feel his inferiority in both capacity and condition, the slave regulates his manners and intercourse with his superiors accordingly. He always appeals to their generosity and magnanimity of soul, not to do him a wrong or an injustice, in his comparatively helpless and defenceless condition. This cannot fail to win the sympathy and compassion for his misfortunes, of every ingenuous heart.

On the other hand, the negro of the free States pretends to no inferiority. With a bold, defying, and arrogant air, he attempts to intrude himself upon the white man upon perfect grounds of equality; a sentiment utterly abhorred by the nature, the morals, politics, and religion of the Anglo-Saxon race in all parts of the world. And hence their entire want of social sympathy; their cold, distant, and repulsive feeling for the negro race in the free States. This will be found universal in all those States and in Europe, except in instances of hypocritical and dogmatical pretensions, by a few misguided enthusiasts, as a false pretence to consistency. There is no such friendly intercourse, no such sympathy for their welfare and social familiarity existing between the black and white population of the free States, except in the instances above cited, as there is between the Southern slave-holder and the well-behaved free colored people around him. The secret of it all is that these people are less assuming in their manners, and less arrogant in their pretensions.

In Louisiana, the better class of the free colored people frequently attain to great wealth and comparative respectability. They live side by side with the white people, and are good neighbors together; and in some instances upon terms of great intimacy and friendship, except in some of the more reserved social and family intercourse, in regard to which there always exist mutual and friendly concessions.<sup>1</sup>

Whoever wishes to see the most striking instances of the mutual feelings of regard that exist between the master and slave, should take a trip down the Mississippi river in company with a number of Southern planters returning from a summer tour at the North, and witness their meeting after a long absence. See them as they drop out at their several plantations along upon the river bank, first met by a group of jubilant slaves, with joy sparkling in their eyes and beaming from their countenances, each impatient for his turn to greet him with a welcome "*How dy, Massa?*" and a fond shake of the hand. One on witnessing such scenes cannot but be reminded of the strange spectacle that would be presented in the streets of Philadelphia, New York, or Boston, to see some aristocratic millionaire beset by a crowd of dirty negroes, each waiting an opportunity to shake him by the hand.

Much of the misapprehension and the wrong impressions of

<sup>1</sup> In many instances, these free people of color hold hundreds of slaves, and are universally the most cruel and oppressive masters; but these are mixed bloods, or not of the real negro type.



those not well-informed upon the subject in regard to the true character of slavery, or slavery as it really is in America, arise from a wrong idea of its fundamental precepts. All anti-slavery agitation is predicated upon the hypothesis that the slave-holder and the slave, are naturally of equal rank and capacity, as in the case of Hebrew, Greek, and Roman slavery;—that slavery is an obstacle to the rise, progress, and improvement of the slaves. But every one familiar with the subject knows that the very reverse of this hypothesis is the truth. Instead of preventing the slave's improvement, it has converted him from a savage to a state of partial civilization; instead of obstructing his improvement, it prevents him from degenerating into his native barbarism, as he has universally tended when left to himself.<sup>1</sup>

The history of the present and the past proves that the condition of the American slave is the happiest one that he is capable of enjoying. In no age or nation have the same number of Africans attained to so high an elevation in their character and condition. Nowhere else have they enjoyed so many of the blessings of Christian society and the privileges of civilized life. They are well fed, well clothed, well cared for in sickness and in health, in infancy and old age. Enjoying religious privileges in common with the free white population, they are wholly devoid of cares and anxieties for themselves and their families.

The gayety, hilarity, and joy often manifested by these people while at their labor, or at their dwellings, present scenes truly

<sup>1</sup> "A CANDID CONFESSION. — The British Governor of Jamaica, in his address at the opening of the Provincial Legislature, *recommends the transportation of the fugitive slaves from our Southern States, who have taken refuge in Canada, to the island of Jamaica, for the following reasons: 'The people who may, if matters be properly represented to them, be induced to come hither from America, are precisely the sort of industrial population we require; besides, they are admirably adapted to the climate of this island. Bringing with them an amount of civilization far higher than that of the generality of the laboring population of this island, and acquainted as they are to a much greater extent with agriculture and mechanical arts — two of the greatest desiderata in Jamaica — the black and colored people of America are not only admirably calculated to develop the innumerable resources of the island to a far greater extent than the natives are at present capable of, but they will, to a certainty, if brought here, be the means of improving our native peasantry, by continually presenting, to a people so imitative, examples worthy for them to follow.'*

"This is a striking testimony, as the New York Express justly remarks, to the humanizing and elevating influences with which the African is surrounded in the United (Southern) States."—*Richmond (Va.) Dispatch.*

romantic to the traveller as he approaches a well-managed plantation upon a pleasant evening of spring. His advent is first noticed by some one or more huge mastiffs occupying the position of the Roman janitors at the gate of the castle. Their loud barking gives note of the approaching stranger. He is next observed by a group of curly-headed young urchins who scamper away to their hiding-places, or some more distant and safe retreat, to stand and gaze at what they deem a lawless intrusion upon their premises. The sun is reclining towards the western ocean of forests, the earth is clad in her verdant mantle, and vegetation glows in tints of living green. The herds and flocks are grazing upon the open fields, and the birds are making melody through the groves with their evening song. The yard teems with every species of ducks, geese, turkeys, chickens, goats, cats, and dogs of various sizes, castes, colors, and descriptions. In the distance he hears the merry song of the plough-boys and hands that "stalk afield," and the shrill tones of the *k-e-s-o-o-k! k-e-s-o-o-k!* of the old stock-"minder," at the sound of which a hundred forest grunTERS come squealing and growling up from the adjacent woods to the accustomed spot of rendezvous to receive their daily rations. A ceremony repeated from evening to evening, to enable this faithful old patriarch and feeder of flocks and herds, to ascertain if any lawless marauder or prowling vermin have invaded their ranks and diminished their number. But should the traveller be belated and not reach this rural village till after night, frequently, as he approaches, he hears the far-off echoes of music, and the sounds of jubilant voices in dancing, rejoicings and merriment, as though they were celebrating some festive occasion. Where can there be found a class of agricultural laborers so independent of the world, so bountifully supplied with all the comforts of life? Where can there be found a class of hired laborers of this description whose families are furnished with one barrel of meat to each member per year, and one bushel of meal to each per month? and besides this from fifty to one hundred dollars of their wages saved for their contingent expenses. It may be safely asserted that such a class of hired laborers cannot be found within the territory of the United States, and much less in Europe. And every man who has experienced the hardship of supporting a family from his daily labors will respond to the truth of the assertion.

The negroes, as we have seen, never have, and never can, as a people, attain to equal rights and privileges with the whites without a miracle; they can never live upon grounds of equality

with them in the same community. Inferiority is the position in which nature has placed them; and so long as they are in the same community with the whites, laws and institutions necessarily have been, and must be adapted to them in that condition. It is not the statute law that creates the slavery, but it is rather an adaptation of itself to the previous condition in which it finds the slave. All statute law upon that subject in its very provisions presupposes the condition of slavery, and is designed only for its good government and regulation. This we have seen, and shall see, is true from the nature, history, government and laws of the institution. Each sovereignty ever has been, and ever will be, its own arbiter of its own government and laws upon this subject. Slavery is always anterior to all its statute laws; and its very existence is always the cause and gives rise to the necessity of all political interference and regulations of the institution. This point we shall illustrate more fully hereafter. But we are told that slavery is a sin; that the very institution is a *malum in se*, a great moral and political evil; that the very relation of master and slave is necessarily wrong in itself; and that no government can legislate to uphold a sin, &c.

After what we have said upon the connexion of the constitution and laws of the Jewish nation with Hebrew slavery, of the relation of those laws to that institution, and their force and effect upon the same, we think we might justly leave this question between the modern Stoic philosophers and the Author of the Ten Commandments.

We sometimes hear of the sin of slavery in the abstract, but the idea is beyond my comprehension. Slavery in the abstract, to my understanding, is a perfect contradiction in terms. Slavery is but a relation, and that can never constitute an abstract idea, except it be between two abstract ideas or existences. But, in this instance, the relation is between two material and positive subjects, without which it has no conceivable form, and is therefore necessarily an idea in the concrete.

Its moral character, therefore, must always depend upon the condition of the subjects to which it relates, and the circumstances under which it exists. The slavery of one man to another may be wrong in one instance, and right in another; there can be no general principle of universal application to determine its character. In what, then, does the sin consist? In the forcible subjection of one man to another, says one, and the compulsion to labor without compensation. In depriving the slave of his natural rights, says another. But this definition

of the evil would condemn civil government, and all its coercive measures. Besides, the idea of laboring without compensation supposes an impossibility; the food and raiment necessary to the existence of the slave is an essential compensation. Its adequacy has no reference to the definition. Therefore we must seek for some other definition of the sin of this relation. It consists, says another, in unjustly depriving the slave of his liberty; but this is but another form of the same idea, and in part the *petitio principii*. The question of justice or injustice in depriving any subject of his liberty, is one to be determined with reference to the rights of all parties, and the end and object of all government. But, says another, its sin consists in degrading the slave to a chattel, and making him liable to be bought and sold as an article of merchandize. But who is responsible for this? We have shown that government and law do not *place*, but *find* him in that condition—a condition, in many instances, from which they are incapable of extricating him, as in case of the negro in the Slave States. But this point we shall consider more fully hereafter.

If slavery in America is an evil, it is a necessary one, resulting from the peculiar character of the negro race, the condition of the country, and growing out of the imperfections of human nature. Civil government, with all its penal laws, prison discipline, and system of coercive measures, is in violation of the natural rights of man, and, in that sense, may be called an evil; but it is a relative one, and relates to the simple fact that mankind are as they are, rather than as they should be. If the world was perfect, penal laws would be unknown.

It will perhaps be said that government, on the part of free-men, is a voluntary surrendering of their natural rights; that they are parties to the compact, and may, therefore, justly incur the penalties of its laws: but that the slave has no voice, part or lot in the matter, except unconditional subjection and obedience. This is true, but it arises from his presumed incapacity for civil functions, as in the case of minors and women. In neither case does the law create the cause of their disability, but ever strives to adapt itself to their condition.

The same principles that would abolish the relation of master and slave, and remove all restraint imposed by that relation upon the liberties of the entire mass of the slave population in this country, would also, if carried out to their necessary results, abolish all restraint imposed by penal codes, prison discipline, and poor laws, upon the balance of the population. These restraints, in both instances, arise from the same cause, are

founded upon the same reasons, and exist from the same necessity. One of the principal reasons that sustains them, and renders them both alike necessary, is the peace, prosperity and safety of society; or, in other words, the greatest amount of good to the greatest number. To this end all governments have a right, and it is their leading object, to shape their laws. All governments have the right, and it is their object, to secure, first, their own permanency, preservation and perpetuity; and second, the best possible state of society in the best possible manner. They must, therefore, be their own judges of the manner in which this end shall be obtained, and have the right to employ the most expedient measures to secure the same. Hence, the right of any independent government to regulate and uphold the institution of slavery, so long as it may be deemed expedient, and conducive to the common defence and general welfare of the State, is indisputable.

This relation imposes reciprocal obligations and duties upon both the master and slave. It is the duty of the master, imposed upon him by the law of the land, as well as that of humanity, to refrain from imposing excessive labor and from cruel treatment; to protect the objects of his trust, in sickness and in health, in infancy and helpless old age; to clothe the naked and feed the hungry, and to treat them, under all circumstances, with as much kindness and compassion as the welfare of society, his own interests and safety, and the disposition, character and position of the slave, will safely admit. In the words of St. Paul, to "give them that which is just and equitable."

On the other hand, it is the duty of the slave to "*obey his master with fear and trembling,*" *i. e.* with a high sense of reverence for their superiors; and "*with singleness of heart,*" *i. e.* with a willingness and sincerity; "*as unto Christ,*" *i. e.* they owe, in a degree, the same faithful obedience, reverence and devotion to their earthly, that they do to their Heavenly Master; "*not with eye-service, as men-pleasers, but as the servants of Christ, doing the will of God from the heart;*" "*with good will doing service as to the Lord, and not to men.*"

The doctrine of Christian resignation and obedience here inculcated by St. Paul, must for ever stand opposed to the teachings, preaching and practice of a class of the false and pretended friends of freedom in our sister States. It is a chapter direct upon the duties of servants and masters; it teaches them to be reconciled, sincere and faithful. "Art thou called to be a servant, care not for it." And though it exists not in the form of a statute law, yet I trust it is equally as im-

perious and as important as a statute. And though we weep over the remissness of these Christian duties, both by the master and the slave, yet surely we will not, for this reason alone, rashly dissolve this Gospel relation between them, and thus put for ever beyond the power of either to do "*the will of God*" in that capacity.

---

## ESSAY IX.

### THE ABOLITIONISTS.—CONSISTENCY OF THEIR LABORS, &c.

THIS Essay will be confined to that school of Abolitionists who pretend to confine their labors to moral and religious means. Their political aspect will form a distinct topic, to be considered hereafter.

The fundamental principle in the creed of this class of "latter day" reformers, is, that the relation between master and slave is an usurpation of unjustifiable power, wrong *ab initio*, and ought to be abolished, irrespective of consequences.

It is wrong, say they, because it deprives its subjects of their natural rights. But so do civil government, penal codes, poor laws, and lunatic asylums. It is wrong because it denies the slave the means of religious instruction. This is a misrepresentation of facts; they enjoy these in common with the free population. It is wrong because it permits the vilest monster of a man to have as many slaves as he can get, and abuse and maltreat them with impunity. This is also a misrepresentation; the law protects the slave against cruel treatment (as we shall show). But the law also permits this same monster to have a wife, and as many children as may be added to his family, over whom he has as much control as he has over his slaves.

But slavery is wrong because it has a deleterious influence upon the moral and religious character of the community where it exists; and it should, therefore, be condemned. But, from what we have said in another place in this book, it would seem that the Founder of the Christian religion, and his Apostles, had the misfortune to differ with these "*latter day saints*" upon this subject. At best, such a position can be but a matter of opinion; as is true of the influence of great cities; great manufacturing communities; large collections of people for ex-

tensive public works; the army; the navy; the marine laws and regulations, and a thousand other collections and associations that might be mentioned. To be consistent, these fastidious conservators of public morals, who believe in their deleterious influences upon morals and religion, should wage the same war of extermination against them all.

But slavery is condemned by the golden rule, "Whatsoever ye would that men should do to you do ye even so to them." This, we have endeavored to show, imposes no obligation upon the master to liberate his slave, but directly the reverse. But it denies the slave all means of education and hope of improvement, and thus puts an interdict on his advancement. This position is one of the fundamental errors in the creed of the Abolitionists. The relation of the slave to his master, and his association with civilized life, instead of denying him the sources of education and means of improvement, is a constant source of education and means of improving his character and condition; instead of interdicting his advancement it prevents him from degenerating into his native barbarism.<sup>1</sup>

But slavery is wrong because it reduces men to things, and allows them to be bought and sold. This is also a misrepresentation, from which an egregious error pervades public opinion throughout the free States. The idea of property in the person of the slave is an absurdity, which we shall explain more fully hereafter.<sup>2</sup>

But slavery must be wrong from the scenes of cruelty and incidents of abuse of the murderous treatment of the slaves, that are so frequently paraded before the public. But if the relation of master and servant is to be condemned on this ground alone, consistency calls for the condemnation of all the individual relations of persons whence arise abuses of authority and cruel treatment. And why is slavery singled out as the special object of calumny and vituperation for this reason? If abolition is the work of love, charity, and Christian benevolence, why is it that all the most revolting scenes of cruelty, misery, and wretchedness, arising from other relations, always escape their notice? If they condemn slavery for this, why not condemn those also?

The same reason would abolish the relation between husband

<sup>1</sup> Compare the condition of the negro in America with that in Africa, and tell me what has been the cause of the difference. Or, compare the condition of the American slave with that of a St. Domingo freeman, or an emancipated slave of Jamaica, and answer the same question.

<sup>2</sup> See Essay on the Political Aspect of Slavery, &c., post, 312, et seq.

and wife, parent and child, guardian and ward, tutor and pupil, master and apprentice, and every other instance of the individual authority of one person over another. No honest philosopher can fail to see the analogy of these relations in this particular. It is said, that in the association of husband and wife, and parent and child, there is a natural guarantee for the discharge of reciprocal duties and for kind treatment in the incentive for conjugal and parental affection, that is unknown to any other relation. But this conclusion, it will be readily seen, rests upon false premises. The relation itself furnishes no more assurance in one instance than in the other of the discharge of these reciprocal duties. On the contrary, where the domestic relation is unfortunate, the very reverse of this is true.

History is full of instances to show that misery is often the result of matrimonial connection. We all sympathize with Socrates in his trials with Xantippe and the Greek sophists. Juvenal tells us that those Roman matrons who had no affection for their husbands, kept their hired miscreants to torture their slaves. The greatest source of grief to the creator of the *Lady in Comus* was his misfortunes in his domestic relations. And thus was the Lanreate of Eve enabled to write the best treatise on divorce. The face of one of England's earliest and best linguists is reported to have exhibited crimson marks, traced by loving fingers; and Greek, Hebrew, Latin, and English, must often have met and run together in his brain, as he reeled beneath the confusing ring of a fair hand knocking at his ears. Look at the helpmates of Whitelocke, Bishop Cooper, and Addison; they were tempestuous viragoes, endowed with a genius for scolding and trouble that constantly haunted the midnight visions of their husbands. The wives of Rousseau, Molière, Montaigne, Dante, Byron, Dryden, and Steele, were acute vixens, with tempers composed of vinegar and saltpetre, and tongues tipped with lunar caustic and as explosive as gun-cotton. Their husbands might as well sit to a bundle of lucifer-matches; for, at the least rub, they would ignite into a flame of hell-fire and blue blazes that would scorch their earlocks till they were glad to beat a retreat and make their escape. Some betook themselves to their gin-cup and club meetings, and others spent their lives in tears, solitude, and repentance. But how many modern Mrs. Caudles, whose "*Curtain Lectures*" are suppressed, and forever kept a secret from the world, while their poor submissive husbands are buffeting the storms of their household eloquence with hearts



cheered by its pleasing consolations, and sleep sweetened by its soothing accents. And these miserable beings, with no source of earthly comfort left, in attempting to drown their sorrows, drown themselves in that liquid current, that is sweeping millions to a premature grave.

Were one willing to prostitute his pen to the capacity of a moral scavenger, and gather up the dregs that float only in the filthy sewers of society, and parade them all into a tale of the cares and misfortunes of matrimonial connections, he might present a picture that would put to the blush, and shame even the seared face of the author of *Uncle Tom's Cabin*. He could not only vary its figure with scars and stripes, but he could dye the ground-work of the picture crimson, with human blood.

But we forbear; we will present but few instances of the fruits of matrimony that have, in the last few weeks, come under our notice, as an offset to the fictitious parts of *Uncle Tom*, which, according to the modern Stoic and Abolition philosophers, are just grounds for condemning the institution.

“A MONSTER IN HUMAN SHAPE. — A German, named Jacob Brenigar, is now awaiting his trial in Wyoming County, Va., charged with a series of offences that surpass in horror any of the tales which old wives tell bad children to keep them quiet, of giants that lived “once upon a time.” This Brenigar was formerly a Baptist PREACHER in North Carolina. While residing there, he attempted an outrage upon his own daughter. His wife made the fact known, and Brenigar, with his family, moved over into Wyoming. There he made another attempt at a rape upon his daughter. Shortly after, being desirous of obtaining his license to *preach*, which had been taken away from him in North Carolina, he applied to his wife to retract the charge she had brought against him, and admit that she had sworn falsely. This she refused to do, notwithstanding he inflicted frequent and severe beatings upon her. At last, finding neither persuasion, threats, nor beatings, would have any influence, one night he pulled his wife from the bed and dragged her over a piece of new ground full of stumps, so that she died in a short time after giving premature birth to a child. Mrs. Brenigar, at first, refused to tell the mode of receiving her injuries, but, finding that death was inevitable, made some of her neighbors acquainted with the facts. The husband was arrested, but released on bail. While under bonds he made an attempt to decoy his niece, a married woman, into some woods at the

back of her residence, but she told her husband, who pursued the ruffian, and would have killed him, but his gun missed fire." — *Abington Democrat*, 1854.

"SINGULAR CASE. — Rev. Joseph Johnson is on trial at Kingston, Ulster Co., N. Y., on a charge of having murdered his wife and child. The evidence thus far tends to prove that the *Reverend gentleman* was in love with some other woman than his wife, and he got rid of the latter by drowning her in order to marry the former, which he did a few months ago. This miscreant escaped the just penalty of the law for a time by a defect in the indictment." — *Times*, July, 1854.

"MYSTERIOUS; Shocking Burial of a Body without a Coffin. — The neighborhood of Cheltenham, out on the Pacific Railroad, has been much excited within a few days past by some disclosures which show that a man, whose name we suppress for the present, living in that vicinity, buried the dead body of his wife, who died the previous day, in a hole in the ground, without placing it in a coffin or in any other manner enclosing it from contact with the earth. He dug a hole in the ground about two and a half feet deep, in which, he remarked to a neighbor who asked him about it, he intended to plant a tree. On the night after the death of his wife, with the assistance of a man in his house, he took the body, dropped it in the hole, and covered it up with dirt.

"The Coroner receiving information of the fact, went out to the place for the purpose of exhuming the body and holding an inquest, but on reaching the spot and conferring with some of the neighbors, he concluded not to disturb the remains. The husband is at this time out at Franklin, on the railroad. It is impossible to conjecture an adequate cause for such inhuman and shocking treatment of the remains of a wife by a husband. The only cause we have heard assigned, is that the man was *too penurious* to go to the expense of procuring a coffin.

"The Coroner procured the names of all those who knew anything of the affair, intending to lay the matter before the Grand Jury, to see if some action may not be taken by that body in the case.

"Surely the atrocious affair demands investigation, and the punishment of the perpetrators. We conceal the husband's name for the present, for he yet may not be altogether guilty." — *Missouri Democrat*.

"TOTAL DEPRAVITY. — The Evansville Journal contains an account of a brute in human form, living in that place, who left

his house early one Monday morning, and went sporting in the woods with his gun and dog, leaving a wife and child locked up in the house, both of whom were dangerously sick, without food or drink of any description within their reach. The inhuman wretch remained away all day, and until nearly 12 o'clock that night. About 10 o'clock in the evening some of the neighbors were alarmed by the groans of the woman, and the crying of the child—heard cries for food, water, &c., &c. The doors were forced open, and a horrible sight presented itself. The woman was in the last agonies of death, the immediate cause of which was undoubtedly neglect and starvation. She died in about one hour after being discovered. The child, about a year and six months old, was cared for by the neighbors, and exhibited painful symptoms of hunger, disease, and most wanton and brutal neglect. The wretch of a father returned before his wife died, but could give no excuse for his unpardonable absence, or for leaving his family in such a destitute condition."—*Louisville Democrat*.

"MRS. GUILPHOR, a feminine fiend, attempted to destroy her three step-children by poison, near Neelville, Ohio, last week. It appears that she was a servant to the first wife of her husband, and when she died this woman was chosen to supply the vacancy. She soon commenced tyrannizing over the helpless children, and finally concluded her malignant cruelty by administering poison to them. The youngest died, but by the timely application of remedies, the other two survived."

Whoever heard "of sorrows like these," of misery in such grim and horrid forms, among the slaves? One would suppose that consistency would arm the whole Abolition host in the panoply of war against the institution whence such scenes arose. And we see that the women, always the most sincere and guileless followers of consistency, are beginning to take action in this matter; they are about getting up an insurrection of spirits and others to abolish the abominable institution of marriage. It would seem, by the following extracts, that their present head-quarters was at Hope Dale, Milford, Massachusetts.

"WOMAN'S RIGHTS CONVENTION. — A notice of the forthcoming Annual Convention for the consideration of Woman's Rights, will be found in another column of our paper, and we call attention to it, hoping that some of our readers will thereby be induced to attend it. It is an important movement, this 'Woman's Rights' movement—one of the most important of

the age—and all who feel interested in the welfare of the *whole* human race, should seriously consider the subject. Many women—as well as men—are not conscious of the necessity of it—not *now*—not feeling wronged by popular usages, having favored positions, or being content to be the mere appendages of men, if not their slaves. Into some women's souls, however, the iron has entered, and here follows a record of wrongs endured by a few which we take from *THE UNA* for the present month. They are extracts from letters addressed to Mrs. Davis, whose editorial comments follow them.” W. H. F.

“*Letter No. 1.* — Please do not send the ‘Una’ any more—I cannot receive it. My husband tore the last one from my hands and burned it. Oh, for an hour of peace, of rest! A blessing which I shall never again enjoy, till I hear ‘the songs of angels round the Throne.’ Sometimes I wish my ears were duller than they are, I hear so many heart-grieving, wrath-provoking things; but patience, patience, says my proud, firm heart. ‘To bear, is to conquer our fate.’

“*No. 2.* — It is evident to me, my dear Madam, that the iron has never entered into your soul. You have never felt yourself a dependant, a slave in your husband's house—not daring to use one cent of money without his knowledge; and, at the same time, knowing he will not permit you to do, even with your own, what you desire. I brought my husband twenty thousand dollars. I have been three months trying to get one dollar to send you for your paper. My children, born in this relation, are a curse; for their inharmonious organizations are constantly a reproach to me. They are ill-looking and sickly, while we both have excellent constitutions.

“*No. 3.* — I would send you the pay for your paper if I could, for it comes like a ray of hope to my weary heart. I shall be a mother again, soon. Ah, what a terrible thing it is to have children, to die so early! Just as my heart begins to have a little joy in them, they pass away, and I am again without life or love, which is the same thing to a woman. \* \* \*

“*No. 4.* — A man may beat his wife, maltreat his servants, and ruin his children; that is nobody's concern. Society regards those things that are injurious to it, but meddles in nothing else, so it says. Do you not think, if society had any true regard for itself, it would prevent nine-tenths of the marriages, simply that criminals might not be born. I am quite certain that no circumstances can so ruin a good organization, that it may not be redeemable. While in these loathed, hated unions, good ones cannot be produced. I know I am a slave,

and Mr. — is my lord. He can bind my body, tie my hands, but with my will he can do nothing. Do you ask why I am in this position? I was educated to get a husband—and was flattered and urged into a marriage at seventeen, that was thought to be very advantageous, and I thought that I loved. But I now see that misplaced affection differs as much from a right state of feeling, as truth from falsehood; and the living a lie is terrible. You have seen me always immersed in gaiety, but I felt that you looked below the surface and saw that this was not sufficient for me. I shall be a devotee when I am passé. Doreas Societies, Ragged Schools, Boriaboula Missions anything to kill time, and make me forget my degradation; for I am a legalized—bah—I cannot write the word. God help us, for there is no other ‘arm mighty to save.’

“No. 5.—My heart is breaking; but, alas! how long it takes to kill! My last child is dead, and I am alone. I have food and clothes. Ah! yes, my bed is of down, and my clothing ‘silk and purple, and fine linen,’ but the veriest slave on a Southern plantation has more freedom than I have. More to live for; for there is some one to love them, and they love. I have nothing; for I cannot love fine furniture, fine dress, &c. I must have objects that give as well as receive. There is no help; my husband is a drunkard; *how I hate that vice!*

“No. 6.—I am half disposed, just here, to ask your advice. You know my infirmity. Ought this to prevent me from marrying? I love, and am loved by one so true, so just, so good and noble, that he would take me, deformed as I am, to his heart, and treasure me there. I have loved him for three years; but my scruples have prevented an engagement to this time. Tell me—will it be a sin to marry?”—From the *Practical Christian*, Sept. 23, 1854; Hope Dale, Milford, Mass.

It may be pertinently asked why there is not more sympathy for the cause of the poor oppressed and down-trodden women of Hope Dale? There is not a slave on the Southern plantations but that has more liberty than they; they are struggling between life and death to assert their rights, and to throw off the galling yoke of matrimony, an institution upon which they remark as follows: “But so radical is the question of marriage itself, so deep is the hell of the marriage institution, ‘*as it is,*’ and so sore therefore does every body feel in relation to the question, that the very proposition to discuss it is considered by some as tantamount to licentiousness.”

It seems that this natural guarantee, so often spoken of for

the protection of the wife and children, fails of its object among the "Christian Socialists" of Massachusetts. They are laboring and longing for the millennium of "Free Loveism" (as they term it). The only security for conjugal attachment, fidelity, and happiness, consists not in the respect of the relation itself, but in the kind and amiable disposition of the parties. But will the same cause secure no kind treatment to the slave? Whatever secures family peace, prosperity and happiness, secures also kind and humane treatment to him. When all other motives fail, the slave has the security, for food and raiment, at least, from the love of gain and pecuniary considerations of his master, an incentive ever opposed to the claims of the wife and children upon his clemency. Another school of Abolitionists, in carrying out their principles to their legitimate results, lay the axe at the root of all government and laws that forcibly deprive men of their liberty in their administration and execution. They stand upon the broad platform of abolition, non-resistance, and the *anti-coercitione regni*. Among the thousand ludicrous extracts that might be made from their publications, we submit only the following letter of Thomas Haskell to Adam Ballou, editor of the *Practical Christian*.

"Gloucester, September 10, 1854.

"BROTHER BALLOU:—I intended to have been at your annual meeting, but circumstances are such that I cannot conveniently attend; so I will send you my thoughts upon the present human governments. I have been thinking lately of the complete resemblance they bear to the 'Man of sin' spoken of by the Apostle, 'who opposeth and exalteth himself above all that is called God, or that is worshipped, so that he, as God, sitteth in the temple of God showing himself that he is God.' Does not our Government fully answer this description? Look at the Fugitive Slave Law, read the debates they had upon it, and see with what contempt and scorn they treated the thought that there was any higher law than their own enactments. Perhaps this Government is as complete a resemblance of a Righteous Government, as is possible for Satan to transform himself into an Angel of Light.

"Mankind are governed by one or the other of those two great principles, *love* and *fear*. This Government, both State and National, is founded upon the latter. We are not required to do or not to do certain acts because they are right or wrong, but because they are the enactments of Government, and must be obeyed, or we must suffer certain forfeitures and penalties

for disobedience. All who willingly sustain this Government of fear and violence, are willing slaves. They try to oppose chattel slavery, but they are sustaining a system equally degrading and inhuman. What greater degradation can be heaped upon us, than to be forbidden to give a starving brother a piece of bread under the penalty of one thousand dollars fine and six months imprisonment. Yet such is the institution we are taught we must sustain to protect the weak from the oppression of the strong, the righteous from the tyranny of the wicked."

But if the abuse of any privilege, right, or institution, is to determine its character, suppose one was to adopt the uncharitable course of the Abolitionists in judging a tree by its fruits, and should sketch faithfully the annals of the Church for the last half century, write the biography of the numerous back-slidden saints, and the dark catalogue of crimes and misdemeanors that have stained its sacred history; and in the book he should devote a single chapter exclusively to the clergy, and hold all sincere Christians accountable for the black calendar of iniquities in the lives of all the murderers and miscreants that have invaded the ranks of this holy order, and condemn them all as of the same type of character; and, finally, denounce the Church and all its priesthood as a posthumous bantling of the devil. Could he be judged less consistent, and less charitable towards them, than the Northern slanderers and persecutors are towards the people of the South?

We are not of that school of moralists or logicians who would attempt to justify one evil by the existence of another. But we do say, that if one institution is to be condemned in consequence of the abuse of its privileges, and the bad fruits that thus result from it, all others must fall for a like reason. And we repeat the question, why are the Southern people selected as the special objects of calumny and vituperation? pursued, persecuted and denounced, with all the malice, clamor and indignation of public enemies? Is human nature so perfect, is the world so free from cruelty and abuses to the helpless of mankind, in every other portion, that there are no objects of sympathy, no cause of suffering deserving of this fanfaronade of Northern philanthropy, but the slaves of the South?

"SUICIDE TO AVOID THE CAT.—James Ransom, an able seaman of the *Valorous*, 16 (paddle), Captain Buckle, in the *Baltic*, committed suicide on the 5th of August last, by jumping overboard. It appears that the unfortunate poor fellow had

been sentenced to receive three dozen lashes for some offence. While the gratings were being rigged for this punishment, he pleaded hard to the captain for mercy, and subsequently to the first lieutenant, to intercede in obtaining some other punishment; but finding these officers determined to let the punishment be inflicted, jumped overboard and was drowned."—*Plymouth (Eng.) Mail*.

"**CRUELTY.**—An American young woman, 19 years old, says the Newark (N. J.) Advertiser of the 20th, came to the office of the Overseer of the Poor last evening, and stated that she had been living, since she was three years old, with a family in Clinton township; and that on Tuesday last, the family compelled her to remain in a cold shed to do her washing, refusing her any opportunity of warming herself, so that at night her feet were badly frozen. Yesterday, seeing that she was crippled so as to be of no further service to them, they sent her to Newark. The Overseer of the Poor bestowed all requisite attention upon her, and this morning, after making an affidavit of the above facts before Justice Baldwin, she was taken to the Almshouse. Her feet are so badly frozen that is probable both must be amputated."

These very people were undoubtedly loudest in their denunciations of slavery, and were contributing their mite to support the cause of the poor slave at the South.

From personal observation I can assert the fact, and challenge a contradiction by any well-informed person, that there are to-day, May 12th, 1857, fifty thousand people in the city of New York, and twenty thousand in Boston, whose condition, as to the enjoyment of all the pleasures and comforts of life, will bear no comparison to the general condition of the slave population of the South.

The scenes of beggary, squalid poverty, and wretchedness, that force themselves upon the sight of the traveller in all the large cities of the Free States, forcibly remind him of the truth of the old maxim, that true charity should always begin its work at home.

"**'WHITE SLAVE.'**—This is the self-assumed title of white persons in New York. The New York Tribune contains a letter from a person who signs herself 'The Wife of a White Slave.' She complains that her husband, a glass-blower, is compelled to work without the rest that is allowed 'the slave on the plantation.' She very piteously inquires, 'While there



are so many to employ their talents in behalf of the colored slave, is there not one to speak a word for the white?" Alluding to the severity of the labor of her husband and his fellow-workmen, and the little relaxation allowed them, she inquires, 'Who can wonder, however much they may deplore the error, that such men should recruit their exhausted energies with an artificial stimulus?'

"It is astonishing, that with such examples at their doors, the enthusiasts restrict their efforts to schemes for intermeddling with slavery at the South. But it is always so. Fanaticism prefers that far-reaching sort of sympathy, which manifests itself towards a distant people, and which can be indulged along with that kind of pomp and circumstance which is so grateful to its followers. They prefer that the dollar they give should be wasted upon impracticable schemes that make a noise in the world, rather than it should be given to the complaining 'White Slave' (as he calls himself) at their very doors."

But distance seems to lend enchantment to the cause of the Abolitionists. If philanthropy was their real motto, and humanity their real theme, and they were sincerely toiling in its spirit, and laboring in its hope, why do they not adopt the spirit of universal charity and benevolence of "Him who went about doing good," and in their labors of love breathe the brotherly spirit of St. Paul in his Epistle to the slave-holder Philemon? Like moral monomaniacs, there is no evil in their sight but the far-off wrongs of the Southern slave; there is no oppression that moves their compassion, no suffering that reaches their sympathy, but his. Thousands of their fellow-beings around may live in the most abject poverty and wretchedness, and die of starvation and distress, yet they have remembered not the wants of the poor and needy in the day of their distress. And whosoever of the Abolitionists does not clothe the naked and feed the hungry at home, the same is a hollow-hearted hypocrite, a liar, and the truth is not in him.

But "a prophet is not without honor, save in his own country;" therefore these Abolitionists and fomenters of disaffection and disunion, have to look to a foreign land in hope of reward. They must go to Great Britain for sympathy, to receive the congratulations and praises of the oppressive and tyrannical aristocracy of England. There are treasured up for them *crowns* of glory, and honors immortal. And Great Britain herself, with a laboring population literally weltering in their own grim misery, starvation and despair, is sending back her

emissaries, professedly to aid in this great work of freedom and humanity; like Satan reproving sin, to preach liberty and emancipation to the American people.

*British Slavery.*

A plantation of well-fed and well-clothed negro slaves shocks humanity, and calls down the vengeance of heaven upon the head of the slave-holder. But a press-gang may perform its heart-rending work in perfect consistency with the free and glorious institutions of Britain. One of the most repulsive features of the general system of British slavery is their laws relative to impressment. By these, peaceable and unoffending men are doomed to her vessels of war to serve at the pleasure and bidding of her naval officers. In this practice there are some of the most distressing instances of the sundering of kindred ties of home and friends. Here the husband is torn from the wife, the father from the child, the brother from the sister, by the press-gang, the kidnappers and slave-hunters of England—a custom that never has prevailed in any other civilized nation, ancient or modern. Anciently, some of the maritime nations condemned men to the galleys for crime.<sup>1</sup>

After a long and laborious voyage in a merchant vessel, the sun-burned seaman arrives in sight of home. His wife and children, who have long bewailed his absence, and feared for his life, stand with joyous countenances upon the shore, eager to embrace the returning wanderer. Perhaps a government vessel, on the search for seamen, then sends its barbarous press-gang aboard the ship, and forces the husband and father once more from the presence of the beloved ones. Long protracted years will pass away before he will be allowed to return. Then his wife may be dead, his children at the mercy of the parish. Yet England preaches freedom and humanity!

One of the most thrilling narratives of the scenes attending impressment, is to be found in the romance of Katie Stewart, published, without the author's name, in Blackwood's Magazine. It is founded on facts, and without exaggeration. A lengthy extract may be seen in the White Slaves of England, by Cobden, 1853. It is truly a heart-rending tale.

Whoever wishes to see another faithful and life-like picture of this species of British slavery, should read the novel of Jacob Faithful, by Capt. Marryatt. Could we but follow

<sup>1</sup> See McCulloch, Dict. Com. (Impressment), where he coolly discusses the expediency of the laws.

the history of Jacob and Thomas, the watermen, or bring them up to tell their own tales of the "cat," and the horrors of naval discipline aboard of British men-of-war, we might then institute a comparison between the condition of this species of British, and American, slaves.

Slavery is any system of involuntary servitude, by which the time, service, and toil of one person becomes the property of another by compulsion. This has been the fundamental requisite of the institution in all ages of the world. But it has existed in different forms and under modified features in different nations and at different times. The power of life and death over the slave peculiar to some nations, is not an essential requisite to its existence; neither is the right to sell and alienate the services accompanied by a compulsory right to control the person of the slave in that manner (or, in other words, by a fiction of law to sell the slave). He who is compelled to labor without adequate compensation, without the ability to escape, to acquire property in the soil, or representation in legislation, is a slave! **SLAVERY OF THE AGRICULTURAL PEASANTRY OF BRITAIN.** Yet, such is the real condition of the mass of the laboring population of Great Britain.

The land-tenant is compelled to labor, and is subject to the will of his lord, because he fixes the price of rent, shares in the products of the soil and the proceeds of the poor man's labor, *ad libitum*, always leaving him a scant subsistence of the necessities of life. He cannot escape from this condition; "once a peasant in England, and the man must remain a peasant forever."<sup>1</sup>

This is evident from the general policy of the nation upon this subject, which is to reduce the number of land proprietors and concentrate them all in the hands of a few who may hold the reins of government. In the United Kingdom, the land is divided into immense estates, constantly retained in the hands of a few; and the tendency of the existing laws of entail and primogeniture is to reduce even the number of these proprietors. There are 77,007,048 acres of land in the United Kingdom, including the small adjacent islands. Of this quantity, 28,227,435 acres are uncultivated. The number of proprietors of all this land is about 50,000. While the people of the

<sup>1</sup> London Times, 1844. Said Mr. Kay, of Trinity College, Cambridge: "Unless the English peasant has the means, and will consent to tear himself from his relations, friends, and early associations, and either transplant himself into a town or a distant colony, he has no chance of improving his condition." See *White Slaves of England*, p. 14.

United Kingdom number, at least, 28,000,000.<sup>1</sup> What a tremendous majority, then, own not a foot of soil! And such are the policy and laws of England, that they never can, to any considerable number, own one foot of land, but must remain thereon, at the will and mercy of these few lords of the soil, and subject to a government in which they have no voice, and in which their interests are not represented.

"Mankind," says Aristotle, "are divided into freemen and slaves;"<sup>2</sup> look, then, at the condition of the British peasantry, and say if they are freemen?

Look at the effects of the landed aristocracy in England. The Rev. Mr. Henry Worsley states, that in the year 1770, there were in England 250,000 freehold estates in the hands of 250,000 different families; and that, in 1815, the whole of the lands of England were concentrated in the hands of only 32,000 proprietors!

The effects of this system are obvious, according to the old maxim, "the big fish eat up the little ones," which is particularly true of all landed proprietors in all countries. As fast as the smaller estates come into market they are bought up by this landed aristocracy, the more wealthy and opulent proprietors outbidding the smaller ones, and thus monopolizing land at any cost. "The consequence is," says a distinguished lawyer of Westmoreland and Cumberland Counties in 1849, "for some time past, the number of small estates has been rapidly diminishing in all parts of the country. In a short time, none of them will remain, but all be merged in the great estates. The consequence is, that the peasant's position, instead of being what it once was, one of hope, is fast becoming one of despair. Unless he emigrates, it is now impossible for him ever to rise above a peasant."<sup>3</sup> But what chance have the majority of the peasantry of Great Britain to emigrate, when their year's labor is scarcely sufficient to keep soul and body together. The distressing policy of this monopoly of the British aristocracy, by swallowing these small estates, is to turn thousands upon thousands adrift upon the country without houses, or means of support. If one of the great landholders prefers the pursuit of

<sup>1</sup> See McCulloch, Dict. Com. "Britain."

<sup>2</sup> οἰκία δὲ τελείως ἐκ δούλων καὶ ἐλευθέρων. De Rep. 1 : 3. He says, in another place, that some were born to rule and others to serve; are not the peasants born to serve?

<sup>3</sup> See White Slaves of England, p. 15. This most excellent work contains a compilation of testimony and facts collected entirely from foreign sources of the most reliable kind.

grazing to that of farming, he may sweep away the homes of his laborers, turning the poor wretches upon the country as wandering paupers, or drive them into the cities to overstock the workshops, and thus reduce the wages of the poor mechanic, which are now too small to afford him and his family the necessities of life. The country, by this means, is filled with beggary, misery, and distress; the poor-houses peopled to overflowing with helpless paupers; till, at length, the government is driven to the desperate alternative of emptying them by transportation to the shores of America.

But we propose to present a few of the leading sketches and astounding facts, to show the condition of the white slaves that remain, and of their condition, generally, under British domination.

Mr. John Fox, medical officer of the Cerne Union, in Dorsetshire, says: "Most of the cottages of the agricultural laborers in Devon, Somerset, Dorset, and Wiltshire, are of the worst description; some are mere mud-hovels, and situated in low and damp places, with cesspools, or accumulations of filth, close to the doors. The mud floors of many are much below the level of the road, and, in wet seasons, are little better than so much clay. In many of them, the bed stood on the ground-floor, which was damp three parts of the year; scarcely one had a fireplace in the bed-room; and one had a single pane of glass stuck in the mud wall as its only window. Persons living in these cottages are generally poor, very dirty, and usually in rags, living almost wholly on bread and potatoes, scarcely ever tasting animal food, and, consequently, highly susceptible of disease, and very unable to contend with it."

Again: "One house, which our correspondent visited, was almost a ruin. It had continued in that state for ten years. The floor was of mud, dipping near the fireplace into a deep hollow which was constantly filled with water. There were five in family; a young man about twenty-one; one girl of eighteen, and another of thirteen, with the father and mother, all sleeping up-stairs. And what a sleeping-room! In places it seemed falling in. To ventilation it was a perfect stranger. The crazy floor creaked under me as I paced it. Yet the rent was 1s. a week, the same sum, for which apartments that may be called luxurious in comparison, may be had in model lodging-houses. And here sat a girl weaving that beautiful Honiton lace that our peeresses wear on court-days. Cottage after cottage, at Southleigh, presented the same characteristics. Clay floors; low ceilings; letting in the rain; no ventilation;

two rooms, one above, one below; gutters running through the lower room to let off the water; unglazed window-frames, now boarded up, now uncovered to the elements, the boarding going for firewood; the inmates disabled by rheumatism, ague, and typhus: broad, stagnant, open ditches, close to the doors; heaps of abominations piled round the dwellings; and it is in these worse than pig-styes that one of the most beautiful fabrics that luxury demands, or art supplies, is fashioned. The parish houses are still worse. In each room live a family night and day, the space being about twelve feet square. In one (says our author), were a man, his wife, and eight children; the father and mother and two children lay in one bed, the remaining six were huddled together head and foot, three at the top and three at the foot, in the other bed. The eldest girl being fifteen or sixteen, the eldest boy between fourteen and fifteen. Is it not horrible to think of men and women being brought up in this brutish manner in Christian England! The lowest of savages are not worse cared for than these children of a luxurious and refined country."<sup>1</sup>

In Wales, the condition of the peasantry is even worse than in England. "The cottages in which the people dwell are miserable in the extreme in nearly every part of the country. I believe (says our author) the Welsh cottages are but little, if any, superior to the Irish huts in the country districts. He says further, the people of my district are in a worse condition, and wages are generally lower than in England."<sup>2</sup>

In Scotland, the estates of the nobility are even larger than in England. McCulloch states that there are not more than 8000 proprietors of land in the whole of Scotland; and, as in England, this number is decreasing. For some years past, the great landholders, such as the Duke of Buccleuch and the Duchess of Sutherland, have been illustrating the glorious beneficence of British institutions, by removing the poor peasantry from the homes of their fathers, for the purpose of turning the vacated districts into deer-parks, sheep-walks, and large grazing-farms. Many a poor, yet gallant Highland family, have vented their curses upon the head of the remorseless Duchess of Sutherland.<sup>3</sup>

"Slaves cannot breathe in England," said the English jurist;

<sup>1</sup> London Morning Chronicle, of November, 1849.

<sup>2</sup> Report of Mr. Symonds, a commissioner, sent by government to examine the state of education in Wales. — *White Slaves of England*. p. 19.

<sup>3</sup> *Ibid*.

“that moment their lungs receive our air, their shackles fall.” But, turn to Catholic Ireland, with her quintuple population, in rags and wretchedness, staining the sweetest scenery ever eye reposed on! Scenery that hath wreathed the immortal shamrock around the brow of painting, poetry, and eloquence. Talk of ancient miseries in the mines of Laurian; talk of the tears and groans of the Roman Ergastula; talk of the bondage and chains of the Ottoman’s slave, of the degradation and sufferings of the subjects of Moslem power!

But the crowning scene to this picture of human misery may be drawn from the beautiful Emerald Isle. A people whose very life-blood has been trampled out by the oppressive system of British slavery; whose miseries have gone forth upon the wings of song and in themes of eloquence, till they have kindled the sympathies of all nations save their oppressors.

It is the universal and concurrent testimony of all travellers, that in consequence of this system of organized oppression, Ireland has become the home of miseries that scarce have a parallel upon the face of the earth. “Everywhere in Ireland a traveller as he passes along the road will see on the road-side and in the fields, places that look like mounds of earth and sods, with a higher heap of sods upon the top, out of which smoke is curling upwards; and with two holes in the side of the heap next the road, one of which is used as a door, and the other as the window of the hovel. These are the homes of the peasantry! Entering, you will find it to contain but one room, formed by the mud walls; and in these places, upon the mud floor, the families of the peasants live. Men, women, boys, and girls, live and sleep together, and herd with the wallowing pig.

Gaunt, ragged figures crawl out of these hovels and plant the ground around with potatoes, which constitute the only food of the inmates during the year, or swarm the roads and thoroughfares as wretched beggars. But the tenure even of these miserable hovels is insecure. The tenants are subject to the tender mercies of the lay proctor of some absent lord, and if they do not pay their rent at a proper time, they are liable to be turned adrift even in the middle of the night. And they have no appeal except to the court of heaven. Kay says, that in 1849, more than 50,000 families were evicted and turned as beggars upon the community.<sup>1</sup>

Here was a striking illustration of the effects of immediate

<sup>1</sup> White Slaves of England. p. 22.

emancipation in all its wretchedness. Think of the heart-rending scenes of misery and distress that must have followed the turning out near half a million of people, pennyless, upon the charities of Great Britain! Thousands of these poor wretches after wandering about for a time like the ghosts of Æneas, starved to death and perished by the road-side, the victims of the murderous policy of the humane and benevolent landed aristocracy of Britain.<sup>1</sup>

Since that time, the great landed proprietors, envious of the lurid fame acquired by the celebrated Duchess of Sutherland, have been evicting their tenants on the most extensive scale, and establishing large farms and pasturages, which they deem the most profitable appropriation of their lands. And these miserable refugees from British slavery, starvation and death, have been swarming as numerous as the wandering spirits upon the banks of the Styx, along the coast of the United States and in the large cities and towns. Thousands have escaped a premature grave and found an asylum here; but thousands are still lingering in their hereditary serfdom, without the means of escaping and reaching other and happier lands.

The dearest ties of family are sundered by the force of want, like a company of shipwrecked wanderers in an open boat, who see no possible means of deliverance. The lot must fall upon some to perish, that, peradventure, some may be saved. The husband can, perhaps, pay his own passage to America, but the wife and children must remain paupers in the land of their hereditary misery.

But the evil consequences of British slavery do not end with the miseries and sufferings of the agricultural laborers or tenants of the soil. There are London, Liverpool, Manchester, Birmingham, Glasgow, Dublin, and many other cities and towns, with their crowds of slaves either in the factories and workshops, or in the streets as beggars, paupers, and criminals. There are said to be four millions of paupers in the United Kingdom! Can such an amount of wretchedness be found in any other country upon the face of the globe? To what cause can this be attributed save to the oppressive system of the landed aristocracy and the laws that favor them. How else could there be eleven millions of acres of good tillable land unoccupied, save for some of the pleasure purposes of these aristocrats, and four millions of perishing paupers? It is said that more than two millions of people were kept from starving

<sup>1</sup> See great Speech of Sir Robert Peel, on Ireland, 1849.



in England and Wales, in 1848, by relief doled out to them from public and private sources.<sup>1</sup>

So scant are the earnings of those who labor day and night in the cities and towns, that they may become paupers if thrown out of employment a single week. Upon an average a hard-working peasant can earn five shillings a week; two of which must go for rent, leaving him only three shillings to buy his food and raiment. The slaves of Great Britain are not attached to the soil, and bought and sold with it like the serfs of Russia, or the negroes of the United States; but far better would it be for them were such their destiny. Then the rich landlord who enjoys the labor of his hundred, would also incur the responsibility of their maintenance in sickness, and in infancy and old age. But they are called freemen to enable their lords to detach them from the soil at will, and after spending long and faithful lives in their service, till they have passed their days of usefulness, then to turn them adrift and drive them forth to starve, perish, or become paupers at public charge, without incurring any penalties for their cruelties, such as the slaveholders of other countries would suffer. The Russian, the Spanish, and the North American slave-holder must support his slaves in sickness and helpless old age, or suffer the penalties of the law for his neglect. But the British slave-holder is exempt from such a tax; he may leave them to perish by thousands with impunity. His Irish slaves may be saved from starvation by American bounty, but neither American or any other human law can punish the offender. Truly then did Southey write :

“To talk of English happiness is to talk of Spartan freedom; the *Helots* are overlooked. In no country can such riches be acquired by commerce, but it is the one who grows rich by the labor of the hundred. The hundred human beings like himself, as wonderfully fashioned by nature, gifted with like capacities, and equally destined for immortality, are sacrificed *body and soul*.

“Horrible as it may seem, the assertion is true to the very letter. They are deprived in childhood of all instruction and all enjoyments—of the sports in which childhood instinctively indulges—of fresh air by day and natural sleep by night. Their health, physical and moral, is alike destroyed; they die of diseases induced by unremitting taskwork, by too close con-

<sup>1</sup> How much of this was the proceeds of the slave labor of the South, contributed as thousands were by the people of the Southern States for the relief of starving Ireland?

finement in the impure atmosphere of crowded rooms, by the particles of metallic or vegetable dust which they are constantly inhaling ; or they live to grow up without decency, without comfort, and without hope — without morals, without religion, and without shame, and bring forth *slaves* like themselves to tread in the same path of misery.”

Again, this same distinguished Englishman says : “ The English boast of their liberty ; but there is *no liberty in England for the poor*. They are no longer sold with the soil (as formerly), it is true ; but they cannot leave the parish of their nativity if they are liable to become chargeable. In such a case, if they endeavor to remove to some situation where they hope more easily to maintain themselves, where work is more plentiful or provisions cheaper, the overseers are alarmed, the intruder is apprehended as if he were a criminal, and sent back to his own parish. Wherever a pauper dies, the parish must be at the expense of his burial. Instances therefore have not been wanting of wretches, in the last stage of disease, having been hurried away in an open cart, and dying upon the road. Nay, even women in the pains of labor have been driven out, and perished by the way-side, because the birthplace of the child would be its parish.”<sup>1</sup> To follow out the various forms of British slavery in detail would require a volume of itself. We can therefore make but a few passing remarks upon the different features of this organized system of oppression as it exists in the several branches of labor throughout the British Empire.

Having presented briefly the condition of the agricultural peasantry, we will next speak of

### *Slavery in the British Mines.*

The mining industry of the kingdom is divided into two distinct branches ; that of the coal and iron, and the mines of tin, copper, lead and zinc. It is to the labors of colliers that our remarks will be confined. The facts which we shall present relative to their condition, are all taken from the Report of the Commissioners appointed by Parliament to inquire into that matter.

From the history of the British colliers, it would almost seem that they were a race of beings destined by nature to lead a life peculiar to themselves. Shut out from all intercourse with

<sup>1</sup> Whoever has a desire to pursue this subject more in detail, may refer to the *White Slaves of England*, by Cobden, or to the original sources of information from which these facts are compiled.

the rest of mankind, little has hitherto been known about them. Unlike the other inhabitants upon the face of the earth, they live by rifling its bowels; and, like the children of Erebus, they are doomed to spend their lives in the lowest depth of her treasures. In vain is the light in its coming; it shines only upon their tenantless dwellings. In vain do the jubilant voices of the morning sound through the land; in vain are the waning seasons succeeded in their course, and nature robed in her varying mantle; their eyes seldom behold these glowing beauties, their ears seldom hear these joyful sounds. Their lot is cast in those subterranean regions of darkness, where not a ray of heaven's light can penetrate their gloomy abodes. There they toil on from week to week in darkness, scarcely at any time beholding the light of day. Their lives are as monotonous and mechanical as the evolutions of a tread-mill. It never varies from the same routine of ascending and descending by the same shaft, to and from the bottom of the same pit, to their subterranean fields of labor. In the division of labor there, each has his specific duties, that admit of no variation. Here they spend their lives, father, mother, sister and brother, together, from the cradle to the grave, without once dreaming that they are capable of a higher and more noble sphere of action. Indeed is English happiness like Spartan freedom, *for "the Helots are overlooked"!* We read of slavery in the mines of ancient Greece, we read of the monuments of Egypt, the gigantic public works of ancient Rome. We may imagine the suffering, the toil, sweat and blood of the slaves spent in their erection; but it remains to contemplate the horrors of a life in the coal-mines of Great Britain, to place the crowning scene upon this chapter of human degradation and misery.

As soon as the children of these unfortunate parents are old enough to render them the least aid by their labor, they are compelled to take them to the mines to assist in making a support. Here these hapless infants, at the tender age of eight years and upwards, are frequently chained to a coal-car by a harness like a dog, and made to drag these carriages, weighing, when filled with coal, from two to five hundred pounds, through passages, in some cases, not more than from sixteen to twenty inches in height, where no other means of conveyance can be obtained. To do this the child even must crawl on its hands and feet. To enable them to do this, the Commissioners say, they buckle round their naked person a broad leather strap, to which is attached, in front, a ring and about four feet of chain, terminating in a hook. This hook is attached to the coal-car

or corve, in the same manner as the negro slave hitches his mule to the plough.

Thomas Moorhouse was brought to the notice of the Commissioners, and said—

“ I don’t know how old I am ; father is dead ; I am a chance child ; mother is dead also ; I don’t know how long she has been dead ; ’tis better *na* three years ; I began to ‘hurry’ when I was nine years old for William Greenwood ; I was apprenticed to him till I should be twenty-one ; my mother apprenticed me ; I lived with Greenwood ; I don’t know how long it was, but it was a goodish while ; he was bound to find me victuals, drink and clothes ; I never had enough ; he gave me some old clothes to wear which he bought at the rag shop ; the overseers gave him a sovereign to buy clothes with, but he never bought any ; the overseers bound me out, with mother’s consent, from the township of Southowrans ; I ran away from him because he lost my indentures, for he served me very bad ; he stuck a pick into me twice.”

Here the boy was made to strip, and the Commissioner, Mr. Symonds, found a large cicatrix, likely to have been made by such an instrument, which must have passed through the glutei muscles, and have stopped only short of the hip-joint. There were twenty other wounds, occasioned by hurrying in low workings, upon and around the spinous processes of the vertebræ, from the sacrum upwards. The boy continued—

“ He used to hit me with the belt and maul or sledge, and fling coals at me ; he served me so bad that I left him, and went about to see if I could get a job ; I used to sleep in the cabins upon the pit’s bank, and in the old pits that had done working ; I laid upon the shale all night ; I used to get what I could to eat ; I ate, for a long time, the candles that I found in the pits, that the colliers left over-night ; I had nothing else to eat ; I looked about for work, and begged of the people a bit ; I got to Bradford after awhile, and had a job for three months while a collier’s lad was poorly ; when he came back, I was obliged to leave.”

Another case was related by Mr. Kennedy, one of the Commissioners. “ A boy named Edward Kershaw had been apprenticed by the overseers of Castleton to a collier by the name of Robert Brierly, residing at Balsgate, who worked in a pit in the vicinity of Roarly Moor. The boy was examined, and from twenty-four to twenty-six wounds were found upon his body. His posteriors and loins were beaten to a jelly ; his head, which was almost cleared of hair on the scalp, had the

marks of many old wounds upon it that had healed up. One of the bones of one arm was broken below the elbow, and, from appearances, had been so for some time. The boy, on being brought before the Commissioners, was unable either to sit or stand, and was placed on the floor of the office, laid on his side upon a small cradle-bed. It appeared that the boy's arm had been broken by a blow from an iron rail, and the fracture had never been set, and that he had been kept at work for several weeks with his arm in the condition above described. It further appeared in evidence, and was admitted by Brierly himself, that he had been in the habit of beating the boy with a flat piece of wood, in which a nail was driven and projected out half an inch. The blows had been inflicted with such violence that they penetrated the skin, and caused the wounds above mentioned. The body of the boy presented all marks of emaciation. This brutal master had kept the boy at work as a wagoner until he was no longer of any use, and then sent him home in a cart to his mother, who was a poor widow residing in Church Lane, Rockdale." And yet we hear the vaunting of humanity and self-righteousness, that "*slaves cannot breathe in England*"!

If the employment of boys in such a way be, as a miner said to the Commissioners, "barbarity, barbarity," what are we to think of the slavery of females in the same abyss of darkness? How shall we express our feelings upon learning that females, in years of womanhood, and in all their most delicate and critical situations, are engaged in the same occupations as their male companions, in circumstances too repugnant to the crudest sense of decency. In great numbers of these pits the men were working in a state of entire nakedness, and were assisted by females of all ages, from girls of six years to women of twenty-one.

"The girls 'hurry' with a belt and chain, as well as thrust; there are many girls thus employed. One of the most disgusting sights (says Mr. Thomas Pearce) I have ever seen, was that of a young female, dressed like a boy, in trousers, crawling on all fours, with a belt around her waist, and chains passing between her legs, dragging after them cars or corves, loaded with coal."

The girls associate and labor with the men, who are in a state of nakedness, and they have on no other garment than a ragged shift, or, in the absence of that, a pair of broken trousers, to cover their persons.

Here are some of the specimens of the evidence taken by the Commissioners :—

“Susan Pitchforth, aged eleven. I have worked in the mines for two years. I have a sister working with me, aged fourteen. This child, said the Commissioners, stood before them shivering with cold. The rags that hung about her waist were once called a shift, which was black as the coal she ‘thursts,’ and saturated with water.”

“Patience Kershaw, aged seventeen. I ‘hurry’ in the clothes I have on (trousers and ragged jacket); the bald place upon my head is made by thrusting the coal corves; the getters I work for are naked, except their caps; they pull off their clothes; all the men are naked.”

“Betty Harris, aged thirty-seven. I have a belt round my waist, and a chain passing between my legs, and I go on my hands and feet while drawing the corves. The road is very steep, and we have to hold by a rope, &c. There are six women, and as many boys and girls, in the pit where I work; it is very hard work for a woman. The pit is very wet, and the water comes over our clog tops always; I have seen it up to my thighs; my clothes are wet almost all day long. I have drawn till I had the skin off me. **THE BELT AND CHAIN IS WORSE WHEN WE ARE IN A FAMILY WAY.**<sup>1</sup> My feller (husband) has beaten me for not being ready.”

Mary Glover tells a similar tale; she hurries with a belt and chain; wears a shift and trousers; is thirty-eight years old, &c.

Besides hurrying, by dragging immense loads after them, on all-fours, like horses, they are compelled, when the way from the wall-face to the pit’s bottom will not admit of running the corve, to bear the coal upon their backs. It is said that fathers have been known to rupture themselves from straining to lift coal on their children’s backs. The usual hours of labor are from five in the morning till five at night; but in many places it is much longer. The sub-commissioner thus describes the female child’s labor in the mines of Scotland: “She has first to descend a nine-ladder pit to the first rest, even to which, a shaft is sunk to draw up the basket or tubs of coals filled by the bearers; she then takes her eral (a basket formed to the back, not unlike a cockle-shell flattened towards the back of the neck so as to allow lumps of coal to rest upon her shoulders), and pursues her journey to the wall-face. She then lays down her basket, into which coal is rolled, and it is frequently

<sup>1</sup> See *White Slaves of England*, p. 40–45.

more than one man can do to lift the burden on her back. The tugs or straps are placed over the forehead, and the body bent in a semicircular form in order to stiffen the arch. \* \* Females submit to work where no man, or even lad, could be got to labor; they work in bad places and roads up to their knees in water, in a posture nearly double, where they continue until the last hour of pregnancy: they are brought to premature graves," &c.

Then follows a numerous list of the names, and deplorable condition of these subterranean inhabitants. And the commissioner adds: "It is almost incredible that human beings can submit to and undergo such employment, crawling on their hands and knees harnessed like horses, over soft, slushy floors, more difficult than dragging the same weights through our lowest common-sewers, and more difficult in consequence of the inclination, which is frequently even dangerous."

Such is the condition of thousands upon thousands of those inheriting the purest and best blood of the Anglo-Saxon race in the immense coal-pit of England. Cut off from the face of the earth and doomed to a region of endless night. The sun may rise and set in all its loveliness, but they behold none of its splendor; the hurricane may sweep over the land; the thunder-storm may spend its fury above their heads, but it is all the same to them; they still plod on in their dreamless abode, unconscious of the world without. And when we consider the nature of this horrible labor; its extreme severity; its incessant duration from twelve to fourteen hours daily; the damp heated air and mephitic vapors that infest the atmosphere of the mines; the tender age and sex of the worker, enduring it all for the trifling compensation of from three to five shillings per week, a picture is presented of deadly physical oppression and systematic slavery that has no parallel in the annals of any age or nation.

But, says Mr. Cobden, what did the British Government do when the report of these commissioners was presented? Lord Ashley introduced a bill into the House of Commons, having for its object the amelioration of the condition of the mining women and children. Much discussion arose, but it finally passed the House, and was taken up in the House of Lords, the high court of British oppression. Some of them advocated the bill, whereupon Lord Londonderry, and some others, spoke of them as "*bitten with a humanity mania!*" Under various modifications it was adopted. It provided that no child under ten years of age, and no female, should work in the mines.

But what relief was this ? The majority of the abused and suffering that came to the notice of the commissioners were over ten years of age. As to the females, though it prohibited their working in the mines, yet it furnished them no aid, or other means of support. They were driven there, in the first instance, to escape from starvation. The bill prevented them even this desperate means of escape, and, soon after its passage, petitions were sent to Parliament, from the mining districts, praying for the repeal of the law. There were many proprietors of mines in Parliament, and their influence was sufficient to nullify the law in practice.

Much that has been said upon British slavery in the mines will apply with equal force to many other divisions of this system of oppression.

### *The Slavery of their Manufactories.*

England has been called the "game cock" of Europe, and her large manufacturing towns the toy-shops of the world. The English people, alone, supply a large portion of the nations of the earth with the products of their labor. The looms of Manchester, and the mills and work-shops of Birmingham, London, and Liverpool, have long been sending their articles to every nation. Viewed at a distance, and by first impressions, this gigantic system of productive industry presents nought but a magnificent aspect to the admiring beholder. But, upon closer inspection, and a more minute survey of its elements, one beholds a picture of human wretchedness and woe that turns his admiration into horror and disgust.

Allowing a just measure of glory and renown for the extent and perfection of arts, manufactures, and commerce, the real condition of the two millions of operatives who perform all the labor, cannot escape the observation of the faithful historian. Glory in war, purchased at the price of slaughtered victims, adds but a stained laurel to the brow of the conqueror ; but the glory of a nation in times of peace, purchased also at the price of human blood, and human souls sacrificed upon its altar, shows but a black spot in her national escutcheon. The number of operatives employed in the cotton, wool, silk, and flax manufactures of Great Britain, is estimated at about two millions.

Mr. Baines states that about one and a half millions are employed in the cotton manufactures alone.<sup>1</sup> The whole number

<sup>1</sup> White Slaves of England, p. 104.



employed on the production of all sorts of iron, hardware, and cutlery articles, is estimated at three hundred and fifty thousand. In the manufacture of jewelry, earthen and glasswares, paper, woollen stuffs, distilled and fermented liquors, and in the common trades of tailoring, shoemaking, carpentering, stone-cutting, &c., is very great, though not accurately known.

It has often been asserted by travellers, and we think the facts about to be disclosed, will bear us out in saying, that this vast body of operatives suffer more of the real miseries of degradation, poverty, hardships, and want, than the subjects of any other system of slavery that has ever existed upon the face of the earth.

Admitting that wages are as high in Great Britain as in any continental country, the enormous expenses of the church and aristocracy produce a taxation which eats up so large a portion of these wages, that there is not enough left to enable the workmen to live decently and comfortably. Besides, the wages are reduced to the lowest possible degree to afford a possible subsistence by excessive competition; and, in consequence, the operative must prolong his hours of toil far beyond all healthy limits, to earn enough to pay his taxes and support himself. It is the struggle of drowning men for life, and what wonder is it that so many thousands sink beneath these gloomy waves?

When C. Edwards Lester, an author of reputation, was in England, he visited Manchester, and, making inquiries of an operative, obtained the following reply:—

“I have a wife and nine children, and a pretty hard time we have of it, too, we are so many; and most of the children are so small they can do little for the support of the family. I generally get from two shillings to a crown a day for carrying luggage; and some of my children are in the mills; the rest are too young to work yet. My wife is never well: it comes very hard on her to do the work of the family. We often talk these things over, and feel very sad. We live in a poor house; we are not able to clothe our children comfortably; not one of them ever went to school; they could go to Sunday school, but we can't make them look decent enough to go to such a place. As for meat, we never taste it; potatoes and coarse bread are our principal food. We can't save anything for a day of want; almost everything we get for our labor goes for taxes. I have gone home at night many times and told my wife that I had eaten a bite at the chop-house on the way, and was not hungry—she and the children could eat my share. Life is not worth much to a poor man in England, and some-

times Mary and I, when we talk about it, pretty much conclude that we should be better off if we were dead. I sometimes wonder that God suffers so many poor people to come into the world."

But this, says Mr. Cobden, is comparatively a mild case. Instances of hard-working families living in dark, damp cellars, and having the coarsest food, are common in Manchester, Birmingham, and other manufacturing towns. Who can read the tale of Mary Barton, by Mrs. Gaskell, without weeping over the sorrows and sufferings of the poor operatives in the great manufacturing metropolis of Britain? It contains a literal delineation and true picture of the trials, hardships, and miseries of the poor laborers of Manchester<sup>1</sup>

An historical incident is related by the author of the tale of Mary Barton (Mrs. Gaskell, a lady of Manchester), that also strikingly illustrates the misery and wretchedness of the poor operatives, and the heartless indifference of the aristocracy to their sufferings. At a season when the grim miseries of starvation were staring the poor laborers in the face, when lank hunger was preying upon their mortal bodies like an epidemic, carrying off its thousands; when the starving multitude could not be persuaded that the government knew of their condition, a petition was framed and signed by thousands in the bright spring of 1839, imploring Parliament to hear witnesses who could testify to the unparalleled destitution of the manufacturing districts. Nottingham, Sheffield, Glasgow, Manchester, and many other towns, were busy in appointing delegates to convey their petition, who might speak not merely of what they had seen and heard, but from what they themselves had borne and suffered. Lank, life-worn, gaunt, anxious, hunger-stamped were those delegates. The delegates went in a body to London, and applied at the House of Parliament for permission to present their petition upon this subject of life and death. But how were they received? They were haughtily denied a hearing. What had these rose-pink legislators to do with the miseries of the base-born rabble—the soil-serfs and slaves of their chivalric Norman ancestors? In other nations such a peremptory rejection of a humble petition from breadless and starving men by their equals, would have been followed by such an outburst of popular fury as to have resulted in a revolution. But in Great Britain the poor laborers seem to have the inborn submission of hereditary slaves. They feel that it is impossible to

<sup>1</sup> Tale of Mary Barton, written by Mrs. Gaskell, of Manchester, quoted in *White Slaves of England*, pp. 110–114.

throw off the iron heel of the aristocracy upon their necks ; and though they see their families actually starving around them, yet they delay, and still delay taking that highway to freedom—manly and united rebellion. According to the report of the board of Commissioners before referred to, the laborers in the factories are committed to the charge of overseers, who have the full power of masters, and exercise it with the cruel sway of tyrants. Without distinction of sex, of however tender an age, they are subjected to the same barbarous and inhuman treatment. We might quote a volume of the testimony of witnesses taken by these Commissioners, to prove the truth of the above assertion ; but a few examples must suffice.

If an operative does not obey an order, he is not merely reprov'd as a freeman, but kicked and beaten as a slave. He has no alternative but submission, for if he resents it he is dismissed and sent forth to starve. A more compulsory system of labor cannot exist, for the only freedom the subject enjoys is to choose between submission and endurance on the one hand, and a lingering death by starvation on the other. Such being the system under which he works, the operative has the look and air of a degraded Helot. Most of them are unhealthy, destitute of spirit, and enfeebled by toil and privation. The hand-loom weavers, who are numerous in some districts, are the most miserable of all laborers, being hardly able, by the most excessive toil, to earn scant food and filthy shelter. This death struggle for the bare bread to keep soul and body together, necessarily forces the parents to send their children at early and tender ages to the mills, to aid them in procuring a support ; and there they are often whipped, scourged, and more cruelly treated than the most abject slaves. When the father, no longer able to make a support, to avoid certain death by starvation, goes to the poor-house, he has no longer any control over his children. They are at the mercy of the parish, and may be separated, apprenticed to all sorts of masters, and treated, to all intents and purposes, as slaves. The invention of labor-saving machinery has brought the services of children into great demand in manufacturing towns. Think of the vast number of children that may be had among four millions of paupers ! They may be bought at the work-houses at a cheap rate, and subjected to cruel masters and overseers who may beat and maltreat them with impunity.

The following extracts, taken from the report of these Parliamentary Commissioners before spoken of, show the barbarous and cruel treatment to which they are subjected :—

"When she was a child, too young to put on her *ain claiiths*, the overlooker used to beat her till she screamed again. Gets many a good beating and swearing. They are all very ill used; the overseer carries a strap. Has been licked with it four or five times. The boys are often severely strapped; the girls sometimes get a clout. The mothers often complain of this. . . Has often seen the workers beat cruelly. Has seen the girls strapped, but the boys were often beat so that they fell to the floor, in the course of the beating with a rope with four tails called a cat. Has seen the boys black and blue crying for mercy," &c.

"Ellen Ferrier, aged thirteen, carries bobbins; 'has been three years in this mill; does not like the work because she gets so tired from working from half past five in the morning until half past seven, with only two intervals of half an hour each. . . When Charles Kenedy was overseer, he licked us very bad.'

"Euphemia Anderson, aged twenty, has been three years at this mill; has been in different mills since she was seven years old. About six years ago she was taken ill with pains in the legs, and remained ill for three years. 'I was not able to stand. Thinks it was standing too long that made me ill.' . . She never went to school, never had *muckle* time; she would give up some of her wages to have shorter hours; their usual dinner is broth and potatoes."

Henry Blincoe, once an apprentice to a cotton mill, was examined by Dr. Hawkins on the 18th of May, 1833.

"Do you know how old you are? Near upon forty according to my indentures. — Do you know where you were born? No; I only know that I came from St. Pancras parish, London. — Do you know the names of your parents? No. . . — Have you any children? Three. — Do you send them to the factories? No; I would rather have them transported. — What are the forms of cruelty that you have seen and suffered, practised upon children in factories? I have seen the time when two hand-vices of a pound weight each, have been screwed to my ears at Littleton mills, in Derbyshire; here are the scars still remaining behind my ears. Three or four of us have been hung at once to a cross-beam above the machinery, hanging by our hands, without shirts or stockings. Mind, we were apprenticed from different parishes without father or mother to protect us. . . Then we used to stand up, in a skip, without our shirts, and be beat with straps or sticks; the skip was to prevent us from running away from the strap. . . Then they used to tie on a

twenty-eight pounds weight (one or two at once), according to our size, to hang down our backs with no shirts on.”<sup>1</sup>

Besides the bodily sufferings of these miserable creatures from excessive beatings and the various forms of brutal punishments, the work is so protracted by incessant hours of toil, that the children become exhausted, broken down, and crippled often for life, by standing too long in unhealthy positions.

John Wright, steward in the silk factory of Messrs. Bunsby and Shatwell, examined :

“What are the effects of the present system of labor in the factories? From my earliest recollections I have found it awfully detrimental to the health and well-being . . . Through excessive labor there and confinement (in the heat, dust, and unwholesome atmosphere of the various apartments of the mill), there is a total loss of appetite—a kind of languor steals over the whole frame, enters to the very core, saps the foundations of the best constitutions, and lays our strength prostrate in the dust. . . . By protracted labors there is an alarming increase of cripples, in various parts of this town, which has come under my own observation.”

“I have known children, says one witness, to hide themselves in the store, among the wool, so that they should not go home when the work was over, when we have worked till ten or eleven. I have seen six or eight at a time fetched out of the store and beat home. . . . I do not know why they should hide themselves, unless they were too tired to go home.”

Joseph Badder, a slubber, deposed. “Slubbing and spinning is very heavy. . . . I have known them (the slubbers) work children, from seven to twelve in age, from six in the morning till ten or eleven at night, and give no time for meals; eat their victuals as they worked, the engines running all the time. . . . I have seen children knocked down by the billy-rollers. It is a weapon that a man will easily take up in a passion. . . . *I have seen the children fall asleep, and they have been performing their work with their hands while they were asleep; after the billy had stopped, when their work was done, I have stopped and looked at them for two minutes going through the motions of pieceing, fast asleep, when there was really no work to do, and they were really doing nothing.*”

John Fortesque, examined at his own house. “I am an overseer in the factory. We have about a hundred hands; forty quite children; most of the remainder are young women. Our regular day is from six to seven. . . . There are some children

<sup>1</sup> See Memoir of Robert Blincoe and Manchester, J. Doherty, 1852.

so bad that they must be punished ; a strap is used for this purpose ; beating is necessary, on account of their being idle. We find it out in this way : we give them the same number of bobbins each ; when the number they ought to finish falls off, then they are corrected. . . . At the factory of Messrs. Mills & Elliot they go on working all night, as well as all day. I believe them to have done so for the last year and a half. (*At this moment, says our author, a respectable looking woman entered with a petition against negro slavery ; after she was gone, Mr. Fortesque continued.*) I think home slavery as bad as it can be abroad ; worst of anywhere in the factories." This young lady was doubtless breathless in her zeal, and enthusiastic in her sympathy for the far-off negro bondmen, in other parts of the world, while the tears, sorrows and sufferings of her own kindred blood, groaning in their dying struggles with starvation, oppression and wretchedness, of an unparalleled kind, elicits not a single emotion from her tender and sympathetic soul for their condition.

And such is the general character of the sympathies of the advocates of the abolition of negro slavery in America. Their feelings of commiseration seem to have a kind of chemical affinity for negro sufferings alone. They overlook the miseries of their own race, and give themselves up, body and soul, to the cause of the negro, looking to England for countenance, support, and the hope of reward for their labors in the great work of benevolence.

Read the following extracts, and tell me, gentle reader, why it is that such scenes excite no sympathy for the sufferings of the Anglo-Saxon race.

"Much has been said of the black slaves and their chains. No doubt they are entitled to freedom ; but are there no slaves but those of a sable hue ? has slavery no sort of existence among the children of the factories ? Yes ; and chains were sometimes introduced, though these chains might not be forged from iron. A child not ten years of age having been late at the factory one morning, had, as a punishment, a rope put around its neck, to which was attached a weight of twenty pounds ; and thus burdened, like a galley-slave, it was compelled to labor for a length of time, in the midst of an impure air, in a heated room. The speaker said he heard the mother, with her eyes filled with tears, relate this shocking tale of infant suffering in the factories."<sup>1</sup>

<sup>1</sup> Extract from a speech made by Mr. Grant, a Manchester spinner, at a meeting held at Chorlton upon Medlock, Manchester Chronicle, 20th April, 1833.

Again: "In a mill at Wigan, the children, for any slight neglect, were loaded with weights of twenty pounds each, passed over their shoulders and hanging behind their backs. Then there was the murderous instrument called the billy-roller, about eight feet long and one inch and a half in diameter, with which many children had been knocked down, and, in some instances, murdered by it. . . I knew, said the same speaker, that the Russians made the Poles carry iron weights in their exile to Siberia, but it was reserved for Christian England thus to use a helpless infant."<sup>1</sup>

The evidences upon which we rely are all drawn from English sources of authority. The Report of this Parliamentary Committee, detailed to inquire into the condition and treatment of the operatives in the several departments of labor in Great Britain, as well as their own public prints, and the speeches of their public men, abound with instances of the most brutal and inhuman treatment to these hapless orphan children, consigned by the poor-laws and workhouse system to conditions of physical suffering and mental depravity that shock the most hardened sensibilities. In many instances without either father or mother, or any one to protect them, these helpless, inoffensive creatures are driven, by the fears of starvation and the lash, to the most wearisome and exhausting toil, in the most unwholesome or dangerous situations, which render them liable to be crippled for life, or consign them to a premature grave.

Could we but relate all the heart-rending scenes of cruelty specified by this Committee, as practised upon helpless infancy, it would fill with tears the eyes of every one possessing the common sympathies of humanity. But as our limits forbid, we cannot present this picture of human woe in a more brief and striking form than by quoting a sympathetic and touching ditty, from Francis Blake, upon the sufferings of the unfortunate

#### FACTORY CHILD.

"Early one winter's morning,  
The weather wet and wild,  
Some hours before the dawning,  
A father call'd his child;  
Her daily morsel bringing,  
The darksome room he paced,  
And cried, 'The bell is ringing—  
My hapless darling, haste.'

<sup>1</sup> Extract from a speech of Mr. Oastler, London Times, 25th February, 1833. See also Bolton Chronicle, 30th March. 1833.

“ ‘Father, I’m up but weary,  
I scarce can reach the door,  
And long the way and dreary—  
Oh, carry me once more!  
To help us we’ve no mother,  
To live how hard we try;  
They kill’d my little brother—  
Like him I’ll work and die.’

“His feeble arms they bore her,  
The storm was loud and wild—  
God of the poor man, hear him!  
He prays, ‘Oh, save my child!’  
Her wasted form seem’d nothing—  
The load was in his heart;  
The sufferer he kept soothing,  
Till at the mill they part.

“The overlooker met her,  
As to the frame she crept,  
And with the thong he beat her,  
And cursed her as she wept.  
Alas! what hours of horror  
Made up her latest day!  
In toil, and pain, and sorrow,  
They slowly pass’d away.

“It seem’d, as she grew weaker,  
The threads the oftener broke,  
The rapid wheel ran quicker,  
And heavier fell the stroke;<sup>1</sup>  
The sun had long descended,  
But night brought no repose—  
Her day began and ended  
As her taskmasters chose.

“Then to her little neighbor  
Her only cent she paid,  
To take her last hour’s labor,  
While by her frame she laid;  
At last the engine ceasing,  
The captives homeward flee,  
One thought her strength increasing—  
Her parent soon to see.

<sup>1</sup> It is the concurrent statement of all the overlookers examined by the Committee, that the labor is so exhausting and wearisome upon the children from seven to twelve years of age, that they often fall asleep at their work, and constant chastisement is necessary to keep them diligent, particularly towards the close of the day’s work, and that they are sometimes whipped to death. See *White Slaves of England*.



"She left, but oft she tarried,  
 She fell and rose no more,  
 But by her comrades carried,  
 She reach'd her father's door;  
 All night with tortur'd feeling,  
 He watch'd his speechless child;  
 While close beside her kneeling,  
 She knew him not nor smiled.

"Again the loud bell's ringing,  
 Her last perceptions tried,  
 When, from her straw bed springing,  
 'Tis time!' she shrieked, and died.  
 That night a chariot pass'd her,  
 While on the ground she lay,  
 The daughters of her master,  
 An evening visit pay;  
 Their tender hearts were sighing,  
 As negro wrongs were told,  
 While the white slave was dying,  
 Who gain'd their father's gold."

*British Slavery, in General.*

What we have shown in relation to slavery in the British factories, will apply with equal force to slavery in the British workshops, the work-house system, and various other forms of this general system of organized oppression. The inmates of the workshops, in particular, are of the most miserable class of British slaves. Here, too, children of both sexes and of tender ages, are subject to physical suffering that has no parallel in any system but that of British slavery. The workshops of the small masters are usually of the dirtiest, most dilapidated and confined description, and situated in the most filthy and undrained localities, at the back of their wretched abodes.

"Among other witnesses, the superintendent registrar states that in those trades, particularly in which the work is by the piece, the growth of the children is injured; that in these cases, more especially, their strength is overtaxed for profit. One of the constables of the town says that there are examples without number in that place, of deformed men and boys; their backs, or their legs, and often both, grow wrong; and thus they become hump-backed and knock-kneed. He says, that among the adult of the working-classes of Willenhall, whose work is all forging and filing, one-third of the number are afflicted with hernia."<sup>1</sup> Says Mr. Cobden: "We have the evidence of

<sup>1</sup> Horne's Evidences, p. 28. No. 128.

Henry Nicholls Payne, superintendent-registrar of Wolverhampton; Henry Hill, Esq., magistrate; and Paul Law, of Wolverhampton, that it is common for masters to buy offal meat, and the meat of animals that have died of all manner of causes, for the food of apprentices. The clothing of these poor creatures is but thin tatters for all seasons."<sup>1</sup>

The apprentices employed in nail-making are described as so many poorly fed and poorly clad slaves. Nails are made at the forges by the hammer, and these forges, which are the workshops, are usually at the backs of the wretched hovels in which the work-people reside. "The best of these," says Mr. Horne, "are little brick shops, of about fifteen feet long and twelve wide, in which seven or eight individuals constantly work together with no ventilation except the door; but a great majority of these shops are much smaller, and filled with filth and dirt; and, on looking into one of them when the fire is not lighted, it presents the appearance of a dilapidated coal-hole, or little black den."<sup>2</sup> In these places children are first put to labor, from the ages of seven to eight, where they continue to work, daily, from six in the morning till seven at night. Their task is gradually increased till they arrive at the daily task of one thousand. A girl, or a boy, from ten to twelve years old, continually accomplishes this arduous task from day to day and week to week." In the manufacturing of glass and earthenware, the toil and suffering of the apprentices, as recorded by the commissioners, is extreme.

One witness said: "From his experience, he thinks, the community has no idea of what a boy at a bottle goes through; it would never be allowed if it were known; he has often been carried home from fatigue. Boys begin to work on Sabbath evening at ten o'clock, and are not at home any more till three on Monday afternoon. The drawing the bottles out of arches is a work which no child should be allowed to do; he himself has been obliged, several times, to have planks put in to walk on that caught fire under his feet, and a woollen cape, and always mits on his hands, and a boy cannot, generally, stop in them over five minutes." Young females, apprenticed to dress-makers, suffer greatly from overwork and bad treatment.

<sup>1</sup> Let it be asked of Southern masters, what would be the fate of one, in any community of the Southern States, who was guilty of such conduct to his slaves? And the universal answer will be, that public indignation would expel him from that community.

<sup>2</sup> Horne's Evidences, p. 34. No. 128. See, also, White Slaves of England, p. 174.

The report of the sub-commissioner, and of several surgeons of asylums and hospitals, reveal some shocking incidents of the loss of sight and of other bodily infirmities, caused by ill-treatment, to the apprentices of this kind. The London Times, in an exceedingly able article upon Seamstress Slavery, thus describes the terrible system :—

“Granting that the negro gangs who are worked on cotton-grounds of the Southern States of North America, or in the sugar-plantations of Brazil, are slaves; in what way should we speak of persons who are circumstanced in the manner we are about to relate? Let us consider them as the inhabitants of a distant region — say New Orleans — no matter about the color of their skins, and then ask ourselves, what should be our opinion of a nation in which such things are tolerated. They are of a sex and age the least qualified to struggle with their lot,— young women, for the most part, between sixteen and thirty years of age. As we would not deal in exaggeration, we would premise that we take them at their busy season, just as writers upon American Slavery are careful to select the season of cotton-picking and sugar-rolling, to illustrate their theories. The young female slaves then are worked in gangs in ill-ventilated rooms, or rooms that are not ventilated at all; for it is found that if the air be admitted it brings with it the ‘blacks,’ of another kind, which damage the work upon which the seamstresses are employed. This occupation is, to sew from morning till night and night till morning—stitch, stitch, stitch—without pause, without speech, without a smile, without a sigh. In the grey of the morning they must be at their work, say at six o’clock, having a quarter of an hour allowed them for breakfast. The food served out to them is scanty and miserable enough, but still, in all probability, more than their fevered system can digest. We do not, however, wish to make out a case of starvation; the suffering is of another kind, equally dreadful of endurance. From six o’clock till eleven it is stitch, stitch. At eleven, a small piece of dry bread is served to each seamstress, but still she must stitch on. At one o’clock, twenty minutes are allowed for dinner,—a slice of meat and a potato, with a glass of toast and water to each work-woman. Then again to work—stitch, stitch, until five o’clock, when fifteen minutes are again allowed for tea. The needles are then set in motion once more—stitch, stitch, until nine o’clock, when fifteen minutes are allowed for supper—a piece of dry bread and cheese, and a glass of beer. From nine o’clock at night until one, two, and three o’clock in the morning, stitch, stitch; the

only break in this long period of time being a minute or two — just long enough to swallow a cup of strong tea which is supplied, lest the young people should feel sleepy. At three o'clock A. M. to bed; at six o'clock A. M. out again to resume the duties of the following day. But when we have said that, for certain months in the year, these unfortunate young persons are worked in the manner we describe, we have not said all. Even during the few hours allotted to sleep — should we not rather say to a feverish cessation from toil — their miseries continue. They are cooped up in sleeping pens, ten in a room, which would, perhaps, be sufficient for the accommodation of two persons. The change is from the tread-mill, and what a tread-mill! to the Black Hole of Calcutta. Not a word of remonstrance is allowed, or is possible. The seamstresses may leave the mill, no doubt, but what awaits them on the other side of the door? starvation, if they be honest; and if not, consequences equally to be dreaded. They would scarcely escape from slavery in that way.<sup>1</sup> Surely, this is a terrible state of things, and one which claims the anxious consideration of the ladies of England, who have pronounced themselves so loudly against the horrors of negro slavery in the United States. Had this system of oppression against their own sex been really exercised in New Orleans, it would have elicited from them many expressions of sympathy for the sufferers, and of abhorrence for their cruel task-master who could cruelly overwork wretched creatures so unfitted for toil. It is idle to use any further mystification in the matter. The scenes we have been describing exist at our own doors; and in the most fashionable quarters of luxurious London. It is in the dress-making and millinery establishments of the 'West End' that the system is steadily pursued.

This continuous labor is bestowed upon the gay garments in which the ladies of England love to adorn themselves. It is to satisfy their whims and caprices that their wretched sisters undergo these days and nights of suffering and toil. . . The leading milliners and dressmakers of London have hold of English society at both ends. They hold the ladies by their vanity and love of fine clothes, and the poor seamstresses by what appears to be their interest and by their love of life.

<sup>1</sup> American slaves are held to labor and service by law, and are protected by the same from all excess and cruel treatment. British slaves are compelled to serve from fear of starvation, and are without protection. Which is the most abject slavery?

Now love of life and love of fine clothes are too very strong motive springs of human action."<sup>1</sup>

Beside the female, there are also the male slaves of the needle, who, in common with all the apprentices of the workshops, are subjected to physical suffering by toil, starvation, and bodily chastisement that finds scarce a parallel in the history of any other system of slavery in the world. They are sometimes struck with a red-hot iron. Says one of the witnesses, "But a few months ago an adult workman broke a boy's arm by a blow with a piece of iron." . . . Another boy, aged sixteen, says, "His master has cut his head open five or six times — once with a key, and twice with a lock; knocked the corner of a lock into his head twice, and once with an iron bolt," &c. We might multiply the instances to a great number, taken from Horn's Reports, also from Dickens' picture of Smike, in *Nickleby*; there are thousands of Smikes.

"——, aged seventeen; has no father or mother to take his part. His master once cut his head open with a flat file haft." "——, aged eighteen. His master once ran at him with a hammer, and drove the iron head of the hammer into his side; his master often knocks him down upon the shop floor."<sup>1</sup>

What has been said upon slavery in the workshops will apply to a great extent to

### *Slavery in the Workhouse System of Britain.*

It has been estimated that out of the twenty-eight millions of population of the United Kingdom, upwards of four millions are paupers. We have related something of the causes of this immense pauperism in Britain; it all lays at the door of the policy pursued by the landed aristocracy. The laboring classes have no power to acquire an interest in the soil; their wages are kept so extremely low, and they are so much consumed in the payment of taxes to support national extravagances, that they are wholly unable to provide anything for the future; and in case of sickness, misfortune, or want of employment, their only alternative is the work-house. It is the "glorious institutions" of Britain that crowd these miserable places of abode with an overwhelming population of paupers. And when they can no longer find room for them at home, thousands are

<sup>1</sup> Horne's Evidences, p. 37, 1 : 57. See also *White Slaves of England*, p. 184.

shipped to the asylum of the free, and through the cities and towns of the United States. Each parish has a work-house which is under the control of several guardians, who, again, are under the control and orders of a Board of Commissioners sitting at London.

From a casual survey of the poor-laws, it appears that poverty is considered criminal in Great Britain. The work-houses, which are declared to have been established for the relief of the poor, are worse than prisons for solitary confinement; for the visits of friends and the consolations of religion, except under particular forms, are denied to the unhappy inmates, while they are permitted to criminals in a dungeon.

What an English pauper is, may be learned from the thousand pathetic descriptions to be found in as many books, pamphlets, and magazines, written by Englishmen themselves, upon the miseries of pauperism. "What is that defective being, with calfless legs and stooping shoulders, weak in body and mind, inert, pusillanimous, and stupid, whose premature wrinkles and furtive glance tell of misery and degradation? That is an English peasant or pauper. His sire was a pauper, and his mother's milk wanted nourishment," &c. These work-houses are the nurseries of all the miseries attendant upon the apprenticeship system. Here the victims are reared up without the consciousness of their own rights, or scarcely of their own personal identity, to a certain age, when they are dealt out by the guardians to suit customers, and are taught to be the willing and submissive subjects of slavery, cruelty, and every degradation that can be inflicted upon them. Instances might be enumerated of cruelties and sufferings to which they are subjected, that would make a merciful heart bleed at every pore. Perhaps there cannot be found a more truthful and life-like conception of the beauties of this system, than in the *Life and Adventures of Oliver Twist*, Dickens' work-house boy, to which we refer the reader.

Some years ago an investigation into the treatment of the poor in St. Pancras work-house was made. It originated in the suicide of a girl, who, having left her place, drowned herself rather than return to the work-house to be confined in the "shed"—a place of confinement for ill-disposed and refractory paupers. The shed is a kind of dungeon in the basement story of the building, two feet below the surface, where they are at times huddled in by crowds, like the victims of the Black Hole of Calcutta.

This pleasant apartment communicates with a yard forty feet

long, and fifteen broad, with a flagged pavement, and high walls like that of a penitentiary : it is always kept locked. It resembles in many respects, the Roman Ergastulum, a place of confinement for runaway slaves.

The system of farming out paupers, especially children, is one of the most prolific sources of misery among the English poor, who are compelled to appeal to the parish authorities. This practice consists in entering into contracts with individuals to supply the paupers with food, clothing and lodging. This is put up at auction, and the man who offers to perform the work the cheapest commonly gets the contract. It is said that during the last visit of the cholera to England, a large number of farmed paupers were crowded, by one Mr. Drouet, a contractor, into a close and filthy building, where they nearly all perished. But another of the most oppressive features of the English poor laws is that called "Chargeability." "Chargeability (says a writer in Chambers' Journal) is the English slave system. The poor man cannot go where he lists in search of employment — he may become chargeable. He cannot take a good place which may be offered him, for he cannot get a residence lest he become chargeable (*i. e.* a pauper). Thus houses are pulled down over the heads of honest working-men, and poor people are driven from Dan to Beersheba, lest they become chargeable."

By this arrangement of parochial settlement, the English agricultural laborer has a compulsory residence like that of an American slave upon the plantation where he is born. This gives rise to those distressing accounts that we see of the immense distance that laborers often walk to their daily labors. For the shocking accounts of the miseries attendant upon the slavery of the Irish, we must refer the reader to the numerous accounts that have filled the public prints in both Europe and America.<sup>1</sup>

The condition of the Irish peasantry has long been most miserable. Untiring toil for the lords of the soil affords the laborers only such a living as an American slave would despise. hovels, not fit for pig-styes — rags for clothing — potatoes for food, are the allotment of these poor people. Who can read the terrible accounts of the thousands of these hapless wretches turned out of their miserable huts at the will of their lords without a home or any possible means of subsistence, and left to perish by starvation upon the highway, and so pervert the meaning of language, and shock their own sensibilities, as to

<sup>1</sup> See White Slaves of England, p. 284. Giles' Essays, Ireland.

call these people *free*? In the language of O'Connell, in his Repeal Declaration of July 27, 1841: "No people on the face of the earth pay to another such a tribute for permission to live, as Ireland pays to England. There is nothing like it in ancient or modern history. It is a solecism in political economy, inflicted upon Ireland alone, of all the nations that are or ever were." While Clarkson and Wilberforce were laboring for the cause of negro emancipation thousands of miles away, they overlooked the most hideous system of slavery at their very doors — the slavery of a people, too, capable of enjoying the highest degree of civil and religious freedom. And this is the accursed stigma peculiar to British slavery, that it enslaves the best and purest blood of the human family. Hebrew could not absolutely enslave Hebrew, Greek could not enslave Greek, Romans could not enslave their own countrymen; but it remains for Christian England alone to reduce to the most abject and servile bondage her own kindred blood, the noblest and best of the Anglo-Saxon race.

The moral degradation and mental darkness of the laboring classes in Great Britain in the middle of the nineteenth century, are appalling to contemplate. Beneath the wing of a government professedly Christian, there is sheltered a vast number of people who must be characterized as heathen, and as fit subjects of missionary labors as are the dark sons of India and Africa. They know nothing of God but his prevailing name; and the Bible's light is hid from them as completely as if its pages were inscribed with Egyptian hieroglyphics. Their code of morals is the creation of their own sensual inclinations. The mode of life that they are compelled to live, is fraught with the most debasing consequences upon their moral and intellectual character. The majority of the cottages in which they live have but two small rooms; in one of which, husband and wife, young men and young women, boys and girls, and often a married son and his wife, all sleep together. Says Mr. Kay: —

"People of both sexes, and of all ages, both married and unmarried — parents, brothers, sisters, and strangers — sleep in the same rooms, and often in the same beds. One gentleman tells us of six people of different sexes and ages, two of whom were man and wife, sleeping in the same bed. Another, of the uncle's and nieces in the same bed together. Many tell us of adult brothers and sisters sleeping in the same beds together; others tell us of rooms so filled with beds that there is no space between them, but that brothers, sisters, and parents crawl over each other half naked, in order to get to their



resting-places ; another, of its being common for women and men not being relations, to undress together in the same room without any feelings of indelicacy, and many other scenes too horrible to be alluded to. Nor are these solitary instances, but similar reports are given by gentlemen writing in all parts of the country."

This is but a slight glance at the true picture of the life of an English peasant, or slave, which is the same. For the startling developments of crime in its various forms, particularly that of adultery, incest, bastardy, and the like, we must refer the reader to the statistics of Mr. Cobden, in the *White Slaves of England*.

Who can contemplate, without feelings of horror, hundreds of thousands of human beings driven into this terrible abyss of crime and misery by the iron rule of aristocracy ! Who ever heard of such brutalizing scenes among the slave population of the Southern States ! No ; dissolute and licentious as they naturally are, no such degrading scenes are ever witnessed among them ; they possess a sufficient sense of decency and self-respect to preclude every possible idea of any such a loathsome state of existence.

Much has been said of the philanthropy of England displayed in the emancipation of the slaves of the West Indies ; but it has resulted only in depreciating the value of those islands, permitting a half-tamed race to degenerate into their native barbarism, and in adding about seventy millions of pounds to the national debt to be paid by the sweat and blood of her white slaves at home. This is termed a grand act of humanity, to increase their poverty, pauperism, and wretchedness at home, to permit a few hundred thousand semi-barbarians to degenerate into their native savage state. The negroes, being free, with the indolence inherent in their natures, would not work ; consequently it became necessary to substitute other laborers in place of the freed negroes, and hence the origin of the importation of the Coolies of India to the Antilles for experiment. These laborers were generally sober, steady, and industrious ; but how were they treated ? A colonist of Martinique, who visited Trinidad in June, 1848, thus writes to a French author of a treatise on free and slave labor :—

"If I could fully describe to you the evils and sufferings endured by the Indian emigrants (Coolies) in that horribly-governed colony, I should rend the heart of the Christian world by a recital of enormities unknown in the worst periods of Colonial slavery. . . My soul has been deeply afflicted by all

that I have seen. How many human beings lost! So far as I can judge, in spite of their wasting away, all the young are perishing under the weight of disease. . . In less than one year, as is shown by official documents, two thousand corpses of these unfortunate creatures have furnished food for the crows of the island." But how is this strange and astounding statement to be accounted for? If disease renders a Coolie incapable of work, he is driven from his habitation. This happens continually; he is not, in that case, even paid his wages. What, then, can the unfortunate creature do? Very different from the case of the slave, far distant from his country, without food, without money; disease, the result of insufficient food and too severe labor, makes it impossible for him to find employment. He drags himself into the forests, or upon the skirts of the roads, lies there and dies!<sup>1</sup>

In Mauritius, the Coolies are also in a miserable condition; a large number of the Indian convicts have been transported to this island, and their slavery is deplorable. Backhouse, who visited the island when these poor wretches were not so numerous as they now are, says: "Among the Indian convicts working on the road, we noticed one wearing chains; several had a slight single ring round the ankle. . . There are about seven hundred of them in the island."<sup>2</sup>

Hence we see, that after that memorable act of humanity on the part of the English Parliament, in emancipating the negroes, for which the pauper laborers of Great Britain had to pay by their own slavery, the Colonial Government created another system, attended with the misery and degradation of a people better fitted for freedom than the negroes. And yet the English aristocracy constantly thank God that they are holier than other nations.

But the last, and one of the most repulsive forms of British oppression which we shall notice, is

### *Slavery in British India.*

The policy of the East India Company, and of British conquerors in India, was fully illustrated during the gubernatorial term of Warren Hastings.

The rich and populous peninsula of Hindostan has suffered greatly from the crushing effects of the British slave system.

<sup>1</sup> See *White Slaves of England*, p. 434. Also *Slave Trade, Domestic and Foreign*, by H. C. Carey.

<sup>2</sup> See Backhouse's *Visit to Mauritius*. Also Bigelow's *Jamaica* in 1850.

These vast and magnificent tracts of country have been wasted with fire and sword, in punishment of the native princes for refusing to become slaves. There the fat of the land has been garnered up for the luxury of the conquerors, while famine has destroyed the people by thousands. There, indeed, have the British aristocracy, tempted by the love of gold, displayed its most malignant propensities. In the last charter granted to the East India Company, in 1834, a clause was introduced, binding a secret committee of the Company, consisting of three persons only, the chairman, deputy chairman, and senior director, who are solemnly sworn to this work: to receive all private dispatches from the home board of control, and without communicating them to a single individual besides themselves, to forward them to India, where the receivers are bound, without question or appeal, to enforce their immediate execution.

By this inquisitorial system, this worse than Spanish or Venetian system of secret decrees, the British Government has reserved to itself a direction of the affairs of India, freed from all constitutional or representative check, and reduced the East India Company to a mere cat's-paw. By this sworn secrecy, and implicit obedience to this mysterious triumvirate, the Company is made the unconscious instrument of measures the most hostile to its own interests. It may, at any hour, become the medium of a secret order that may threaten the very destruction of its empire. Such was the case with the war of Cabul. The aristocratic government at home planned and ordered it; and the unconscious Company was made at once to carry out a scheme so atrocious, so wicked and unprincipled, as well as so destructive to its plans of civil economy, and to bear also the infamy of the same.<sup>1</sup>

Says Mr. Cobden: From the earliest times the "village system," with its almost patriarchal regulations, seems to have prevailed in Hindostan. Each village had its distinct organization, and over a certain number of villages, or a district, was a hereditary chief and an accountant, both possessing great local influence and authority, and certain estates.<sup>2</sup> The Hindoos were strongly attached to their native villages, and could only be forced to abandon them by the most constant oppression. Dynasties might change, and revolutions might occur, but so long as each little community remained undisturbed, the Hindoos were contented.

<sup>1</sup> See *Aristocracy of England*, by John Hampden, Jr. Also Mills' *History of British India*.

<sup>2</sup> Briggs' *Historical Fragments*.

Mohammedan conquerors left this beautiful system, which included much more of genuine freedom than the British institutions of the present day, untouched. The English conquerors were not so merciful, although they were acquainted with Christianity. The destruction of local organizations, and the centralization of authority, which is always attended with increase of slavery, have been the aims of English efforts.<sup>1</sup>

The principle that the government is the sole proprietor of the soil, and therefore entitled to a large share of the produce, has been established, and slavery, to escape famine and death, has become necessary to the Hindoos.

From free communities, these once happy little villages were reduced to the condition of British tenants at will. The Zemindaree system was first applied to Bengal. This struck a fatal blow at all local organizations, which were the sources of freedom and happiness among the Hindoos. Government assumed all the functions of an immediate landholder, and dealt with individual cultivators as its own tenants, getting as much out of them as possible.

The Zemindars are an unthrifty, rack-renting class, and, like the lay proctors of some absentee landlord of Ireland, take the uttermost farthing from the under-tenants. Oppression and eviction are their constant employment; and since they have been constituted a landed aristocracy, they have fully acted out the character in genuine British fashion.<sup>2</sup>

Another of the most distressing and destructive features of British slavery in India is the government monopoly in the salt trade. The salt consumed in India must be purchased through the government, at a duty of upwards of two pounds per ton, making the price to the consumer about eight-pence per pound. In England, salt may be purchased by retail, three pounds, or wholesale, five pounds for one penny; while in India, upwards of thirty millions of persons, whose average incomes do not amount to above three shillings a week, are compelled to expend one-fourth of that pittance in salt for themselves and their families. It may naturally be inferred that, with such a heavy duty upon this important necessary of life, underhand measures would be adopted by the poor natives for supplying themselves. But the most stringent regulations are adopted by the government to prevent smuggling of this character.<sup>3</sup>

Says Mr. Howit: "The East India Company exists by mo-

<sup>1</sup> Slave Trade, Ancient and Modern, by H. C. Carey.

<sup>2</sup> Campbell's Modern India.

<sup>3</sup> See Household Words. White Slaves of England, p. 460.

nopolies of the land, of the opium, and of the salt. By their narrow, greedy and purblind management of these resources, they have contrived to reduce that once affluent country to the uttermost depths of poverty and pauperism. The people starve and perish in famine, every now and then, by half a million at a time. . . We have some glimpses of the treatment of the people in the collection of the land tax, as it is called, but really the rent. . . The government claim the land in fee simple. . . The same system is pursued in the opium monopoly. The finest lands are taken for the cultivation of the poppy; the government gives the natives what they please for the opium, and ship it off to curse China with. 'In India,' says a writer in the Chinese Repository, 'the extent of territory occupied with the cultivation of the poppy, and the amount of population engaged in its cultivation and preparation, are five times greater than in any other part of the world.' Turkey is said to produce only 2000 chests of opium annually; India produces 40,000, of 134 lbs. each, and yielding a revenue of about four million pounds sterling. But worse than all [*'and most to be deplored, as human nature's broadest, foulest blot'*] is the salt monopoly. It is well known that the people of India are habituated to only a vegetable diet. Boiled rice is their chief food, and salt is an absolute necessary of life. With a vegetable diet in that hot climate, without plenty of salt, putrid diseases and rapid mortality are inevitable. Nature or Providence has therefore given them salt in abundance. The sea throws it up to them, ready crystallized, in many places; but the Company steps in and imposes *two hundred per cent.* on this indispensable article, and guards it by such penalties that the native dares not stoop to gather it when it lies at his feet. The consequence is that mortality prevails, to a terrific extent often, among the population. Officers of government are employed to destroy the salt naturally formed, and government determines how much salt shall be annually consumed.

Now, let the people of England mark one thing. *The cholera originates in the East.* It has visited us once, and is on its march once more towards us.

*Has any one yet imagined that this scourge may be possibly the instrument of Divine retribution for our crimes and cruelties? Has any one imagined that we have anything to do with the creation of this terrible pestilence? Yet there is scarcely a doubt that this awful instrument of death is occasioned by this very monopoly of salt,—that it is the direct work of the four-and-twenty men in Leadenhall Street. The*

cholera is found to arise in the very centre of India.. It commences in the midst of this swarming population, which subsists on vegetables, and which is deprived by the British government of the necessary quantity of salt," &c.

The evil effect of the opium trade is not confined to India alone. The imperial government of China seeing that the traffic in opium was sowing misery and death among its subjects, prohibited the introduction of the drug within the empire in 1839. But the British had a vast amount of capital at stake, and the profits of the trade were too great to be relinquished for any considerations of humanity. War was declared ; thousands of the Chinese were slaughtered, and the emperor forced to permit the destructive traffic on a more extensive scale than ever, and to pay two millions for daring to protest against it.

The annual revenue now realized from the opium traffic amounts to about three and a half millions of pounds sterling. It is estimated that about four hundred thousand Chinese perish every year in consequence of using this drug, while the amount of individual and social misery proceeding from the same cause is appalling to every human heart. The recent Burmese war had for one of its objects the opening of a road to the interior of China for the purpose of extending the opium trade.

Thus, these four-and-twenty men of Leadenhall Street, London, have been permitted, after having perverted the use of the fairest fields and finest land, and thus paralyzed the power and energies of India, to send to China, not the articles the Chinese wanted, but to force upon them the very thing, above all, that its authorities abhorred.<sup>1</sup>

It is not for the purpose of proving that American slavery is right, that we have attempted to show that British slavery is wrong. We are not of that school of logicians who would attempt to justify the sins of one nation by exposing the iniquities of another. But, after what has been said in the foregoing pages upon that subject, we appeal to a candid world to decide the question of consistency and sincerity of these latter-day apostles of liberty and humanity known as Abolitionists in both England and America ; those holy abhorers of negro wrongs. England, who has taxed and extorted sweat and blood from a starving and helpless population, at home and abroad, to abo-

<sup>1</sup> For the horrors of the opium trade, see Medhurst's *China*, Thelwall's *Iniquities of the Opium Trade*, and Montgomery Martin's *Opium in China*. It is well known what horrors, crimes, impoverishment and destruction of families, the rage of opium-smoking introduced among millions of the Chinese.

lish negro slavery in her empire ; to maintain a cruising fleet upon the coast of Africa to suppress the African slave trade, and who drained nearly the last drop of the life-blood of her laboring people, to maintain her fleets and armies in the triangular fight in the Crimea, is the great centre and radiator of the worst form of slavery that the world has ever witnessed. She has studded the ocean with her sails ; girdled the earth with the track of her dominion, and stretched the broad wing of her empire over one-fourth of the groaning globe. But the most abhorrent forms of slavery, physical oppression, suffering, and death, have everywhere sprung up in her footsteps. And such, too, as find no parallel in any age or nation.

The poor Coolie's long catalogue of suffering may be all faithfully told ; the poor Irish peasant may struggle through the brief period allotted to his existence, writhing constantly under the stinging lash of hunger, and finally perish by starvation ; a faithful picture of all the horrors of British slavery at home and abroad, may be presented ; and not a sigh is ever breathed for their suffering ; not a tear of sympathy ever shed over their graves. Yet, about negro wrongs, the Abolitionists preach and pray ; yea, "make long prayers at the corners of the streets, and in the synagogues." Surely these telescopic philanthropists must be possessed of distorted visions or sensibilities, who can see no wrongs but those inflicted on a sable victim.

Go with them to the fairest portions of India where the soil now lies under the curse of British slavery. It has become the burying-place of millions who die upon its bosom crying for bread. Show them, upon the plains of the Bengal Presidency, the bleaching skeletons of five hundred thousand human beings who perished of hunger in the space of a few short months ; yes, died of hunger in what is called the granary of the world. Let them inhale the air, poisoned for miles by the effluvia emanating from the putrefying bodies of the dead. Let them behold the rivers choked with the corpses thrown into their channels ; mothers casting their little ones beneath the dark rolling waves, because they would not see them draw their last gasp, and feel them stiffen in their arms. Let them behold the jackals and vultures approach and fasten upon the bodies of men, women, and children, even before life was extinct ; while madness, disease, and despair stalked abroad with no human power present to arrest its progress. Show them even this terrible carnival of death, under the van of the English flag, in devoted India, in the reign of Victoria the First ; and they

will tell you it is all the work of Christian England, of a Christian princess, and a Christian aristocracy, who are sending Christian missionaries into all the world to preach the Gospel; who have abolished African slavery, and are laboring to abolish the African slave trade: it must all be right.

Oh consistency! thou art a jewel! The Abolitionists of America constantly look to England for encouragement, countenance, and support; and he who has done most faithfully the work of treason against the Constitution and laws of his country, is invited home to his foster-mother with the welcome plaudit, "Well done, thou good and faithful servant." While justice, humanity, and the spirit of the age, demand the abolition of this exhausting, famine-breeding, and murderous system of British slavery, they see nothing in it to condemn. Though it is hostile to every principle of right, to civilization, to the loving spirit of Christianity; though starving millions groan beneath its yoke, it is no evil in their sight. Their ears are deaf to all cries; their souls are impervious to all sense of wrong, except those of the negroes in America. From the crowded factories and work-shops; from the pestilential hovel; from the dark and slave-filled coal-pits; from populous work-houses; from the vast army of wandering beggars in England and Scotland; from the perishing peasantry; from the wretched Hindoos upon the Ganges and the Indus; from the lowest depths of misery among the betrayed Coolies of the West Indies, may arise the cry for relief from their plunderers and their oppressors, yet no sound of their supplication ever reaches the ears of the Abolitionists. And we must say of them, as was said of Ephraim of old, they are "joined to their idols, let them alone." Speaking after the manner of "a plain blunt man," we say such philanthropists are hollow-hearted hypocrites, disunionists, and traitors, willing to be used as a cat's-paw, in the hand of England, to sow the seed of disaffection, dissension, and disunion in the bosom of their own country; like Judas of old, to betray the pride and glory of America into the hands of its enemies. Benedict Arnold was pampered and caressed by the English aristocracy, so long as he could be used as a vile tool, to betray the strongholds of our national defence into the hands of the British army; but, when these offices had ceased, and he could be no longer used for that purpose, he was avoided as a traitor, cast out from all sympathy, and even sunk lower in the estimation of every high-minded Englishman, if possible, than in that of his own countrymen.



*Conscience and "Higher Law."*

But the Abolitionists profess to meet the charge of toryism and apostasy towards the Constitution and towards their country, with the plea of conscience and that "higher law" than the laws of the government and permanent law of the land. All questions of construction and political obligations are referred to the self-constituted tribunal of conscience. But what is the history of this mysterious being? It is but a bundle of inconsistencies, a bloody paragon of absurdities. It is written in characters "blackened through the damning drops that fall from the denouncing angel's pen." Conscience administered the cup of poison to the lips of Socrates; she prompted the atrocities of the wicked reign of Nero, and dealt the severest blows of blood and cruelty to the meek and lowly followers of the Lamb. Conscience was the amicus curiæ of Pontius Pilate, the condemner of the Saviour to the cross; the sun hid its face in the firmament and rocks were rent asunder on the day of the crucifixion, at this terrible deed of Jewish conscience. It was the same conscience that hurried on St. Paul to Damascus, to bring back the Christians bound to Jerusalem; and that moved him to send back the Christian slave Onesimus from Rome to his master at Colosse. Ignatius Loyola had a conscience; Xavier was a vain boaster of his conscience, yet the conscience of the one, upon the principles of that "higher law" of which we hear, founded the tribunal of the Inquisition in Europe, and that of the other, the same institution in Asia. St. Dominic left a standing monument to the memory of his conscience and the prevalence of that "higher law," at Languedoc. As the perfect lover of truth, this same conscience imprisoned Galileo, and long suppressed the beautiful theory of Copernicus. Conscience was mistress of the secret and bloody tragedies of the "higher law" of the Inquisition. Conscience was the ruling genius of the reign of Bloody Mary; she lighted the bigot's torch at St. Paul's Cross, and glowered over the cinders at Smithfield; she wielded the axe of the guillotine, and plied the knife of the executioner. But Mary was a very conscientious woman; so was James the Second a conscientious man; and even Jefferies made noisy boasts about his conscience. "The Grand Duke Constantine was a very conscientious and pious man, he said grace before he swallowed Poland." The Hindoo mother, who throws her child into the Ganges, or ascends the funeral pile to mingle her ashes with those of her deceased husband, is urged on to the daring deed by conscience. And even

the poor deluded African pleads conscience in justification of the horrid ceremony of sprinkling the graves of his ancestors with the blood of his fellow-beings.

But even Puritanical conscience, purified by the fires of regal persecution, is scarcely less inconsistent and absurd. What, then, is

*The History of New England Conscience?*

Endicott, the first governor of Massachusetts Colony, early commenced the work of bigotry and intolerance. In 1628, he enforced the same laws which had driven the Puritans from their native country. He banished two of the principal offenders, men of respectability and standing, for laxity of religious sentiments, and sent them back to England. But the very men who countenanced this, lived to see their own grandchildren excluded for the same reason. Coddington, an eminent man of Boston, was banished for holding to the errors of Ann Hutchinson. At the first general court held at Charlestown, on board the ship *Arabella*, a law was passed that none should be admitted as free men into the colony, or enjoy any rights of the same, but such as had been received as members of the Established Church.<sup>1</sup> In 1656 commenced the well-known Quaker persecution, a number of them having arrived in that year. They were immediately outlawed; some of them banished, and others actually hung. They fled to Rhode Island, and settled there. Severe laws were passed against their return. All toleration was denounced in the most unmeasured terms. One Mr. Dudley Deal, a very pious and devout man, went constantly with a copy of some verses in his pocket, that commenced thus :—

“ Let men of God in courts and church keep watch  
O'er such as do a toleration hatch.”

The Antibaptists were the next sufferers; some were disfranchised, and many were banished. The celebrated John Clark, one of the first settlers of Newport, Rhode Island, was sentenced to pay twenty pounds, and be whipped, July 20, 1651, by the Court of Assistants, held in Boston. He was thrust into prison, and on the 31st of the same month the said sentence was executed upon him. A Mrs. Holmes was also sentenced to pay thirty pounds, and be whipped; a Mr. Crandell five pounds, and be whipped; and all for differing from the church upon the subject of infant baptism.

<sup>1</sup> The account of the banishment of Roger Williams is familiar to all.

Mary Dyre, a Quakeress, was sentenced and executed for returning to Massachusetts. The great and pious William Robinson and Marmaduke Stephenson, were sentenced and executed on the 20th of October, 1659, for a like reason. The poor helpless witches of Salem, and other places, fell the next victims to the relentless bigotry and intolerance of New England conscience.

Here is an instance of the most fatal illustration of the practical effects of the Seward "higher law" system in the direction of public affairs. Conscience was the *amicus curiæ* and ruling genius of this unparalleled outrage. About 1690 this strange infatuation commenced its career. The innocent sufferers were accused of being wizard spirits collocated with the devil to overthrow the holy religion established by the Puritans, and to undermine the prosperity and happiness of the colony. Like wildfire it spread till it enveloped the whole colony, and filled the land with consternation and dread. Men, women, and children, of all ranks, were accused of the wizard malady. No one dared to raise a warning voice to stay its terrible progress, lest a conspiracy should be set on foot to bring him into the limits of the accusation. The governor, lieutenant-governor, and council, terror-stricken with the alarm, as was usual in cases of great national calamities, appointed a day of solemn observance to consult upon the best means for their future safety. On the 15th of June, 1698, by order of Sir William Phips, governor, and Mr. Stoughton, lieutenant-governor, the most eminent divines were called together to give them their wisdom, their weight and influence, of this body of New England clergymen; as is often found necessary to give direction in the management of public affairs, and to remedy great moral and political evils. They assembled in solemn convocation to aid the civil authorities in suppressing the moral and political bane of witchcraft. This conscientious body of the learning, wisdom, and piety of New England, acting upon the "higher law" principle, united in strongly recommending the most rigorous persecution of all accused of this heinous crime. Consequently all the accused were violently laid hold of and arraigned for trial.

At these trials there was a new species of evidence admitted, which I find in no other treatise on the Law of Evidence; it was called "Spectre Evidence," for which I find no accurate definition; but it appears that this class of evidence was finally done away with on a resolution of the clergy—"that the devil himself might assume the shape of a good man, and appear

among them to deceive the people." But this was after twenty-eight innocent persons had been capitally convicted, nineteen hanged, and one pressed to death for refusing to plead. At the trial of one Burroughs, a most respectable clergyman, who had publicly tried to convince the people of their delusion, the witnesses testified that they saw the devil standing by, to put words into his mouth. This, perhaps, is what is meant by "Spectre Evidence."

It was here that the celebrated and conscientious Samuel Sewell first acquired his notoriety. He sat upon the bench at Salem during these trials, and concurred in the condemnation of these persons. He became so thoroughly imbued with the doctrine of the infallibility of conscience, and so thoroughly schooled in the true principles of "higher law," morals, and Christian philanthropy, that he soon came out (as the first agitator of the subject) with a pamphlet against slavery; as he says in his diary, that "he essayed to prevent negroes and Indians from being rated as cattle and beasts." Here, it appears, is where abolition in New England first took its source.

Cotton Mather looked upon an African slave as a great blessing to himself; he had no conscientious scruples upon the subject. The Rev. Dr. Styles was conscientious in advocating the system both by precept and example. The same may be said of Gov. Winthrop, Dr. Edwards, and many distinguished men in our colonial history, as will be seen in the following Essay. Such is the brief history of conscience; such was New England conscience during parts of the seventeenth and eighteenth centuries. But we shall be told that the enlightened conscience of the nineteenth century is not accountable for the darkness and errors that pervaded generations so long passed away; that the light and knowledge which have since beamed upon her pathway, have corrected all her aberrant peculiarities and tendencies, and brought her back to a perfect knowledge of truth and rectitude; that she is no longer to be charged with the errors and peccadilloes of a perverted conscience. But this logic savors of the *petitio principii*, or the begging the question. Will you allow us no conscience? "Who made thee a ruler and a judge over us? Wilt thou slay us as thou didst the Egyptian yesterday?" Ye whose consciences have raised the standard of nullification and revolt against the government upon the "higher law" principles, overleaped the Constitution, ignored all political obligations, and would even trample the Bible in the dust if opposed to its mad career—will you allow us no conscience in this matter? How say you

that we are on the side of perverted conscience? Do you take it from the Bible? But we have shown that Moses and the Prophets, St. Paul, and the Apostles, unfortunately, differ from you in opinion. We prefer to adopt their precepts, doctrines, and opinions upon this subject to those of Abolition commentators, and latter-day theologians, and monomaniacs, who enjoy but intervals of mental ratiocination. We hurl back the charge upon you, that *you* have the perverted conscience; that *you* are the blinded bigots, the misguided zealots who are hurrying on with the torch-lights in your hands in the bloody footprints of the worst forms of persecution. From the history of conscience we are naturally led to inquire into the laws of its operations, and the philosophy of its existence. It is held by some mental philosophers to be a distinct and independent faculty of the mind, always approving what is right and rejecting what is wrong. It is classed with memory, reason, and imagination, as a separate power that enables us to determine between right and wrong, as we determine between the size, form, position, and color of different objects, as we retain the idea of events that have passed, distinguish between truth and falsehood, or picture to the fancy ideal existence.

But it is not our purpose to enter into the metaphysical labyrinth of this controversy, but briefly to analyze the constituent principles of conscience, and leave the advocates of the different theories to fix upon terms that best suit their own views. If we can fix upon a true rule of interpretation of what is right, there will be no difficulty in determining what is wrong. Why, then, is an act said to be right? Or, what is the true standard by which to determine the character of the act in that respect? One answers that it is its consistency with the moral law. But this is but shifting the difficulty into another form. Different nations have different codes of moral, as well as of civil law. And even individuals may honestly differ upon the true interpretation of moral law as upon any other subject. By custom, education, and locality, the moral law becomes all things to all men. One will say that the moral law is supreme; and absolves him from all obedience to the civil law in cases of their fancied conflict. Another teaches him to be obedient to the powers that be, to render unto Cæsar the things that are Cæsar's, &c. In this conflict of conscience, what is to be done? We have, as yet, made no progress towards a true rule of interpretation of right and wrong.

As Cicero once said, "If there be a Supreme Being that governs all things, and a hereafter of rewards and punish-

ments, as our fathers have taught us," then there must be such an idea as consistency and inconsistency with the laws of his moral government, or right and wrong in an absolute sense.

If, in the language of the poet, "Whatever is, is right," then there can be no such thing as government or law, the whole must resolve itself into a blind rule of necessity, and there could be no such thing as accountability or moral action. But how can these absolute and abstract rules of the Supreme Being be applicable to the actions of mankind? Should they be obeyed because they are right? Or, are they right because they require obedience? We answer in favor of the former; the latter would make them but a set of rules depending, for their binding force on mankind, only upon the arbitrary will of the Law-Giver. Hence, the precepts of the moral law, when rightly understood, are to right what demonstration is to truth.

The absolute principle of right has a necessary existence anterior to all commandments, as much as truth is anterior to the fact of its demonstration. A thing, then, may be said to be right when it has an exact fitness to all other things in all their most minute and comprehensive relations to one another. This is harmony; it is in unison with the great plan of government and laws of the Supreme Ruler of all things. Mankind have an intuitive notion or idea of the existence of such a principle, and of the necessity of its prevalence, the same as they have of the necessity existing between cause and effect. And this inward consciousness which they have of its obligatory force upon their actions, constitutes what is called moral sense, and renders them accountable beings. But this absolute principle of right cannot serve as a practical rule of action for any being but Him in whom all things have their existence, and "who sees the end from the beginning."

Right and wrong, in their relations to the finite mind of man as a rule of action, can have but a relative signification, and always depend, so far as man is concerned, upon the condition and relative influences of the matters of fact, concerning which those questions arise. And nothing but Omniscience can do away with the province of reason and understanding in determining the path of duty and furnishing the true guide of life.

The determination of the will in all moral action is the result of the combined influence and effect of the imagination upon the moral sensibilities, reason, judgment, or understanding. Habit renders this mental process as quick and unconscious to the mind as intuition: thus, they are mistaken for one another. Hence, if we correctly analyze this spiritual light, this silent

monitor within, that serves (as we are told) as an unerring guide in the bosom of every mortal being, we shall find that its constituent principles, in all ages and conditions, are dependent entirely upon education. "As the twig is bent the tree is inclined." And hence, when reason, imagination, judgment, and the other mental faculties are overpowered by bigotry, overheated by enthusiasm, or misguided by fanaticism, — conscience, like the chameleon, may assume the hue of every subject with which it comes in contact, and turn into all the loathsome shapes that have chequered its history in the past. Away, then, with this unscriptural, law-defying, truce-breaking, Paul-reproaching conscience, and let every man abide in the calling wherein he is called. "Art thou called to be a slave, care not for it."

---

## ESSAY X.

### THE POLITICAL AND JUDICIAL ATTITUDE OF SLAVERY IN THE UNITED STATES.

By the late decision of the Supreme Court of the United States in the case of *Scott vs. Sanford*,<sup>1</sup> some principles of vital importance to this feature of the institution in this country, have been settled. The Court held, in that case, 1st, "That free negroes, of African descent, whose ancestors were brought here as slaves, are not citizens within the meaning of the Constitution of the United States;" 2d, "That they were not originally numbered among the people or citizens of the several States at the adoption of the Constitution of the United States;" 3d, "The only two clauses in the Constitution that point to this race, treat them as persons who were lawfully held as property;" 4th, "That Congress has no constitutional power to interfere with slavery in the territories; the territories are acquired for the common benefit of all the States, and the people thereof have equal right to go there with their property; that the Constitution recognizes slaves as property, and the Government is pledged to protect them;" 5th, "That the Act of Congress known as the Missouri Compromise was, therefore, in violation of the Constitution."

<sup>1</sup> 19 How. Rep. p. 399-554. See also pamphlet form.

Our limits in this essay will not admit of an extended review of the masterly reasoning of the Court in that celebrated case; indeed, no review can improve it—no abstract can do it justice; we can but refer to the opinion as a whole. In many respects, it is one of the most important cases that can be found in the history of this or any other nation. The sympathies of the whole nation were deeply enlisted in the cause. Interests of incalculable magnitude were indirectly involved in the results. Principles that have shook the foundation of the Union to its centre, were put at issue in the contest; principles that not only the peaceable administration of the Government, but the sternest dictates of public justice and national equality, have long demanded a constitutional adjudication at the hands of the Federal judiciary, are here settled. These elements of political strife have all here found their quietus. A geographical line invidiously drawn between slave and free territory, with the worst forms of political antagonisms raging on either side, has been blotted out by the invincible power of constitutional law. With the aid of the power of the nation, it may yet work out its political salvation. The issues in this case are not measured by individual interests; it was a national contest between the two nominal sections of this vast Union; and the decision stands unrivalled in the magnitude of these national adjudications. If this view of the case could have prompted the Court to an effort commensurate with the majesty and importance of the subject-matter, they have proved their ability fully adequate to the undertaking. This decision will form an important era in the judicial history of the country, and will go down to posterity as an imperishable monument to perpetuate, in grateful recollection, the sterling integrity and intellectual power of those who have reared it. It is founded upon the rock of truth, and “the gates of hell cannot prevail against it.”

Thus has our enemy been shorn of his locks; thus has the weird monster, Fanaticism, been decapitated; but he dies not without a struggle. As it took the Republic of Rome three hundred years to die, so the Black Republic in America may for a while struggle in the violent throes and agonies of her approaching dissolution. But the fiat has gone forth—the culprit has been sentenced, and his doom is sealed. No effort was spared to parry the blow about to be dealt upon his guilty head. He found his sympathizers and abettors of the tribunal even before which he had been arraigned. These captious dissenters (*captores legium*) would fain have thwarted the



great national purposes of this decision, by the merest subtlety that could be devised : they have rung their paralogies upon every available technicality within the legal vocabulary, to arrest the judgment, and obtain a respite : never did a tyro at the bar play more ingeniously upon his technical quibbles to save his victim from the gallows. A brief review of their positions may not be inappropriate. And in attempting this, we hope to be able to illustrate the optical anomaly, that great men are the only objects in the universe that diminish as you approach them.

Mr. Justice Curtis says (page 577) : "*The Constitution having recognized the rule that persons born in the several States are citizens of the United States, one of four things must be true : First, that the Constitution itself has described what native-born persons shall or shall not be citizens of the United States ; or, second, that it has empowered Congress so to do ; or, third, that all free persons born within the several States are citizens of the United States ; or, fourth, that it has left it to each State to determine what free persons born within its limits shall be citizens of such State, and thereby citizens of the United States.*" \* \* Therefore he says (page 588) : "*The conclusions at which I have arrived on this part of the case, are, first, that the free native-born citizens of each State are citizens of the United States ; second, that as free colored persons born within some of the States are citizens of those States, such persons are also citizens of the United States.*"

Perhaps the cheapest refutation of these sweeping propositions is the *reductio ad absurdum*. If this position be correct, then every free negro and every Indian born within the limits of the territory originally belonging to the several States, are natural-born citizens of the United States ; and we have no constitutional guarantee against having a Choctaw chief or the son of a Guinea negro for President of the United States. There is nothing in the Constitution itself that excludes them, or that empowers Congress to exclude them, from the pale of citizenship. There must, then, be some limit to the acquisition of that right. But by what authority is this limit to be fixed ? It will not for a moment be contended, that the various Indian tribes and remnants of tribes found roaming through the territory of the United States, in a savage state, at the adoption of the Constitution, were a part of "*the people*," and citizens within the meaning of that instrument. It is true that those not taxed are excluded from

the census and Federal basis of representation; but that is only a matter of compromise, to equalize representation between the different sections of the Union; and, by itself, no more deprives them of citizenship, than the including three-fifths of the slave population would confer that right upon them. How, then, is the Constitution to be construed relative to citizenship of native-born persons? If Indians are excluded, then why not negroes? In the case of the Cherokee Nation *vs.* the State of Georgia,<sup>1</sup> the Supreme Court of the United States held that the Cherokees were not a foreign nation within the meaning of the Constitution, and capable of proceeding against the State; but it was admitted that they were a distinct political body, and capable of managing their own affairs; and that the several Indian tribes in the territory of the United States had been uniformly treated as such since the settlement of the country. The same doctrine was held in the case of *Worcester vs. the State of Georgia*, by the same court.<sup>2</sup> Upon what legal authority are these decisions founded? The Constitution is silent upon the subject; Congress has no power to discriminate between native-born persons as to citizenship. But the Court based their opinion upon immemorial usage, one of the most potent sources of law. This principle, on authority, may apply to the exclusion of native-born negroes as well as Indians. Hence, the ingeniously constructed proposition above quoted falls to the ground. It is a blind view of the science of human government, to say that no laws can exist except in the prescribed forms of constitutional provisions and legislative enactments. There is an inherent sovereignty in the body politic that lies back of all written constitutions and statutes. This is the authoritative source of all law, and may establish legal principles by an expression of the popular will through immemorial usage or custom, or by common consent, as well as by the prescribed forms of legislation.

What, then, has been determined by custom relative to the citizenship of the native-born negro population of the United States? It may be premised that there is a marked distinction between those persons who enjoy all the rights and privileges of citizens in any one of the States and citizens proper. For example, suppose a colony of free negroes should settle in the State of New Hampshire from a foreign country, and by the laws of that State every male over twenty-one, after one year's residence in the State, was admitted to all the rights and privi-

<sup>1</sup> 5 Peters's U. S. Rep. p. 1.

<sup>2</sup> 6 Peters's U. S. Rep. p. 515.

leges of native-born white citizens. This could not affect their relation towards the Federal Government; they could never become citizens of the United States; for, by the present law of Congress, none but whites can be naturalized. Though they might be eligible to the office of Governor, and both branches of the State Legislature, yet they would be for ever ineligible to either house of Congress. Though the rights, privileges, &c., appertaining to citizenship within a State may be within her power to confer, yet citizenship itself is not; that can be acquired only by birth or naturalization. Hence, the distinction between the citizens of any State and those of the United States is without any difference. Every citizen of the United States is necessarily a citizen of some one of the States or territories, and *vice versa*. Hence we say, that the people of the United States have the power, by virtue of their inherent sovereignty, to elect or establish, by immemorial usage, or common consent, who shall and who shall not be citizens of the United States, under the Constitution and Acts of Congress upon the subject. We have seen that native-born Indians have, in this manner, been excluded. And it may safely be asserted, that the same is true of native-born negroes. The voice of the people, whenever and wherever it has been expressed, directly or indirectly, upon this subject, has uniformly been in the negative. The negro race, in this and all civilized countries, occupy a degraded condition; they have been, by the customs and laws of nations, considered legitimate articles of traffic. Commence with families and neighborhoods, and go up to communities, States, and nations, and their social and political position is everywhere servile and dependent. From the social circle to the public school, from the school-room to the village church, from the court-house and jury-room to the ballot-box, and the several offices of honor, profit, or trust, the mark of Cain is everywhere upon them; they are not considered a part of "the people," or members of the political community, and, by common consent, are denied the rights and privileges of citizens. These customs have given rise to a class of legislative enactments by Congress, and the several States, for the political degradation of the negro race, that are wholly inconsistent with their position and rights as members of the political community.

We commence with the naturalization law passed in 1790, which confines the right of becoming citizens "*to aliens being free white persons.*" This act excludes all negroes of foreign birth from the pale of citizenship. And why, if native-born negroes enjoyed that right? The Constitution is silent upon

the subject, and here is an unmistakeable expression of the popular will, founded at first upon immemorial usage, and sanctioned by common consent to this day. Another of these early laws was the first militia law, passed by the Second Congress, in 1792. This law directs that every free, able-bodied *white* male citizen shall be enrolled in the militia. It is of the spirit of a republican government to exclude all privileged classes, to deny all hereditary claims to pre-eminence, and to secure equal rights to all in like circumstances. "All men (meaning political men, or members of the political community) are created equal," &c. This is one of the civil axioms upon which the government is founded. But in the last Act of Congress referred to, there is a numerous class of persons denied one of the first and dearest rights of freemen, namely, to enrol their names in defence of their country. This inconsistency, however, with the citizenship of negroes, is attempted to be explained by a comparison of their position, in this particular, with that of invalid and female citizens. But the sophistry of this shift is manifest to the understanding of a child. This disability of invalids and females is general in its application; it is founded upon a good and sufficient physical cause, and operates alike upon all classes, black and white. Here there is no unjust and invidious distinction of citizens. But what reason is there why an able-bodied male citizen of color should be excluded? If he is a citizen, he stands on a perfect equality, politically and physically, with the white citizen of that class, except as to the color of his skin. Now, is that of itself any better political reason for this discrimination, than the color of his hair, or the color of his eyes, or of family lineage? The distinction, then, must be founded upon the want of political equality, or of citizenship—for the Constitution admits of no degrees of membership, in the body politic, to those in similar circumstances. The only real standard requirements for military service recognized by law, are citizenship, sex, and physical ability; and it is not pretended that the entire negro population are deficient in any one of these, except citizenship; and, as the color of the skin could not alone exclude them, it must be an evidence of something else—that is, the want of citizenship.

Again, by the Act of Congress, passed in 1813, it was "not lawful to employ on board of any public or private vessels of the United States, any person or persons except citizens of the United States, *or persons of color, natives of the United States.*" By the language of this law, persons of color, though natives, are not citizens of the United States; the distinction

is broad and marked between them. This is but another expression of the popular will, acknowledged and admitted by common consent. Again, the laws of the several States, prohibiting the intermarriage of blacks and whites, prohibiting negroes to serve in the State militia, also their free emigration from State to State, like the citizens of the several States, all arose from the same source, and have been upheld and enforced by the same authority. If negroes are citizens, these laws amount to the worst forms of political proscription and degradation.<sup>1</sup> But they have received the popular sanction from time immemorial. Marriage, in the eye of the law, is a civil contract, and any abridgement of the rights of citizens, in this matter, that does not operate equally upon all classes, is an unconstitutional proscription. The Constitution has guaranteed to the citizens of each State (or of the United States) the enjoyment of all the rights, privileges and immunities of the several States. The rights, privileges, &c., contemplated by this provision of the Constitution, are enumerated by the Federal Court in the case of *Corfield vs. Corquell*.<sup>2</sup> Among them are found the right of suffrage, to emigrate and settle in any of the States or territories, to contract, hold property, &c. It is true, these rights must be exercised conformably to the regulations of the State in which they are enjoyed. But these regulations must apply to all citizens alike, in similar circumstances; to say that any State can create privileged classes among the citizens of the United States, arbitrarily, is absurd. Yet it may be said (without particularizing) that nearly every State in the Union, free as well as slave, has prohibited the intermarriage of colored with white persons, excluded them from the militia rolls, prohibited their emigration from State to State, and totally denied them the elective franchise. What right has the State of Ohio to exclude the colored citizens of New York from her territory, while white citizens of the latter are freely admitted to settle and live in the former State? Is this compatible with constitutional equality? Yet such discriminations have been long acquiesced in by the people of the United States, and by common consent and immemorial usage have obtained the force of consistent laws. The Constitution also provides that new States may be admitted into the Union from the territory of the United States; yet there has not been a single new State so admitted, with the exception of Maine,

<sup>1</sup> See collection of these State laws by the Court, in *Scott vs. Sanford*, 19 How. Rep. p. 408-417. Also 2 Kent, p. 258 (n. b.).

<sup>2</sup> 4 Wash. C. C. Rep. 371.

without a proviso in her Constitution against negro suffrage. And though the Constitution of the United States guarantees to every new State admitted into the Union a republican form of government, yet these State Constitutions have all been approved and sanctioned by Congress. Now, if negroes are citizens within the meaning of the Constitution, are these State Constitutions republican forms of government? Suppose a territory includes a majority of native-born free negroes; these, together with the white population, constitute the requisite number to form a State; the white citizens form a State Constitution disfranchising the blacks, thus usurping the government; if negroes are citizens, on a political equality with the whites, in like political circumstances, is this a republican form of government? Here are a majority of the citizens liable to be taxed without representation; this government does not derive its authority from the consent of the governed. It is a usurpation, not in a republican, but an aristocratic form. Now, as these State Constitutions have been sanctioned by Congress since the formation of the government, and become absolutely constitutional and valid by the force of precedent, custom and common consent, it follows, necessarily, that negroes are not considered, by the same authority, as citizens within the meaning of the Constitution.

Perhaps we shall here again be met with the miserable subterfuge, that the right of suffrage is not essential to citizenship, as in the case of females and minors. But this, as we have before remarked, scarcely deserves a serious consideration. The civil disabilities resting upon females and minors, are general and impartial to all in like circumstances, black as well as white; they are presumed to be founded upon a sufficient cause, in this: there is no political degradation, inequality, or rank, in any class of population. This rule, therefore, may exist without just cause of complaint; but how can a colored male citizen, of age, and in every respect upon a political equality with the white, except his color or race, be proscribed? If this discrimination is founded upon any want of virtue, intelligence, or moral character, it would be a violation of the Constitution for not being general and impartial, like that of sex and minority. If, then, the black man is a citizen, he is excluded from the polls for no other reason than the color of his skin, which, as we have before said, is of itself no better reason than the color of his eyes or hair, or family lineage.

These several statute laws, opinions of the Attorney-Gener-

erals,<sup>1</sup> and decisions of courts of justice, show that by common consent our government is a government for the white man, that there are no degrees of membership in the political family, and that negroes and Indians are excluded from the body politic.<sup>2</sup>

Again, says Mr. Justice Curtis (p. 633): "*For these reasons, I am of the opinion that so much of the several acts of Congress as prohibit slavery, and involuntary servitude within that part of the Territory of Wisconsin lying north of thirty-six degrees thirty minutes, north latitude, and west of the Mississippi, are constitutional and valid.*" That "*the laws of the United States in operation in the said territory at the time of the plaintiff's residence there, did act directly on the status of the plaintiff, and change it from a slave, to that of a free man.*" (p. 601.)

The Territory of Wisconsin was formed in part from the Territory of Michigan, which was included in the Virginia Cession, and the part west of the Mississippi from the Louisiana Purchase. Hence the acts of Congress here referred to, are first, the ordinance of 1787, for the government of the North-West Territory, or the Virginia cession north and west of the Ohio river. Second, the act of the 7th of March, 1789, continuing the said ordinance in force under the Constitution. Third, the act of 11th of January, 1805, extending this ordinance over the Territory of Michigan. Fourth, the act of the 6th of March, 1820, known as the Missouri Compromise; and fifth, the act of the 20th of April, 1836, extending the laws of Michigan, and the ordinance of 1787, over this territory. The whole question, however, may be summed up in this: Has Congress the power, under the Constitution, to prohibit slavery in the territories? for the act of the 6th of March, 1820, known as the Missouri Compromise, is a direct exercise of that power. The history and effect of the celebrated ordinance of 1787, we shall defer for future consideration;<sup>3</sup> we simply remark in this place in reference to this act, that it was in the nature of a remedial statute, viewed by many in the light of a perpetual compact, and necessarily presupposed the existence or general prevalence of the evil sought to be remedied; and viewed by

<sup>1</sup> Opinions of Attorney-General, vol. i. p. 381.

<sup>2</sup> Whoever wishes to examine the several laws and decisions upon this subject more minutely, will find an interesting collection in 2d Kent, p. 258 (n. b), also at page 72 (n. a), see also p. 39.

<sup>3</sup> See post, p. 339, et seq. Remarks upon the Constitutional Policy or Relation of the Federal Government towards Slavery.

others as of no constitutional or binding force, particularly after the adoption of the Constitution, the latter doctrine being repeatedly held by the Supreme Court of the United States.<sup>1</sup> Hence the mere silence of Congress, upon the sixth section or article of this ordinance prohibiting slavery, in extending it over territories formed from the Virginia cession, under the Constitution, as a convenient form of territorial government, is no evidence of a direct expression of legislative will for or against such a proviso. It simply shows their unwillingness to open an angry debate upon this subject, and their willingness to let it remain for what it was worth. But to extend this ordinance, with its anti-slavery proviso, to new territory to which it was not originally applicable, would amount to positive legislation upon the subject of slavery in that territory; hence, in every such instance, this prohibitory clause is excepted. The only instances of direct legislation by Congress upon this subject are in the case of Missouri and Oregon, both of which have been substantially erased from the statute-book of the nation, by the Compromise Act of 1850. Hence the list of acts cited by the learned Justice Curtis (pp. 616-619) to prove the constructive power of Congress to prohibit slavery in the territories by usage, stand entirely to the other side of the question. He locates this power to Congress in the clause of the Constitution authorizing it "*to make all needful regulations for the government of the territories,*" &c. He infers it from this provision of the Constitution, from the necessity of the case, as well as from "*a practical construction, nearly contemporaneous with the adoption of the Constitution, continued through a long series of years,*" to which we have just alluded. He infers it from the necessity of the case, and the probability that the framers of the Constitution would not omit to provide for the proper government of the territories: (pp. 606, 607.)

As to the probability that the framers of the Constitution foresaw the necessity of empowering Congress to prohibit slavery in the territories, we shall refer the reader principally to our remarks hereafter upon the Policy of the Federal Government towards the Institution of Slavery.<sup>2</sup> We will in this place present a brief analysis of the several articles of the Constitution, manifestly founded in the spirit of compromise between

<sup>1</sup> Pollard's Lessee vs. Hagan, 3 How. 212. Parmale vs. First Municipality of Orleans, 3 How. 589. Strader vs. Geulum, 16 How. 82. See also remarks of Mr. Madison on the perfect nullity of this ordinance, Letter to Robert Walsh, Nov. 27, 1819.

<sup>2</sup> Post, p. 342, et seq.



the Northern and Southern States, to show that the South was not so hostile to her own interests as to blindly consent to empower Congress to circumscribe and crush her institutions, to leave the fairest portions of the South in desolation and despair, and blast all her future prospects for wealth, independence, and equal power, by excluding her slave property from all the territories. We shall see by this that the doctrine of probability also stands on the other side of the question. We commence with the preamble. By this the first and fundamental object of the Constitution was, "*to form a more perfect Union.*" Could this be effected by excluding slavery and the slave States entirely from the public domain? would this naturally tend to strengthen the bonds that held the States together? The subsequent history of the country furnishes a lamentable refutation of this assertion. Second, to "*establish justice*" between the States, and thus "*insure domestic tranquillity.*" Would this admit of destroying their property interests? Could Congress in that manner "*provide for the common defence,*" "*promote the general welfare?*" &c. In what consists the means of defence to the States, if it be not in the development of their resources for wealth, independence and power? and what else can promote their general welfare? In this each State is to be the judge of what constitutes its general welfare, which it is the object of the Constitution and the Union to promote. But here the question again returns with redoubled force, could this be done by excluding slavery and the slave States from all the public domains, or by empowering Congress so to do? Such could not have been the understanding of the delegates and citizens of the Southern States. Again, by Art. I., Sec. 2, "*Representatives and direct taxes shall be apportioned among the several States,*" &c. No one can fail to see the spirit of compromise in this basis of representation and taxation between the North and the South. No so judicious a plan could have been otherwise devised to equalize the same. The Southern States, with their sparse population and vast amount of unsettled and unproductive territory, with great excess in their number of slaves, were unwilling to confide their interests to Congress without some assurance of a respectable voice in making the laws, and some guaranteeing against excessive and unequal taxation. This they could not obtain without "*excluding Indians not taxed,*" and "*including three-fifths of all other persons in the Federal basis of representation.*"

But why would the South have been so zealous to secure to herself a just proportion of representatives, if she had at the

same time intended to empower Congress to put an interdict upon their increase, by excluding all new slave States from the Union? How long could she maintain her equality on the floor of Congress under this proscriptive policy?

*"No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken."* In the case of *Hylton vs. United States*,<sup>1</sup> the Supreme Court held that a tax on land and a capitation tax are the only direct taxes within the meaning of the Constitution. Mr. Justice Chase in that case says: "This provision was made in favor of the Southern States; they possessed a large number of slaves; they had extensive tracts of territory thinly settled and not very productive; a majority of the States had but few slaves, and several of them a limited territory well settled, and in a high state of cultivation. The Southern States, if no provision had been introduced in the Constitution, would have been *wholly at the mercy of the other States*. Congress, in such a case, might tax slaves at discretion, or arbitrarily, and land in every part of the Union after the same rate or measure, so much a head in the first instance, and so much an acre in the second. To guard the South against imposition in this particular, was the reason for introducing the clause into the Constitution which directs that representation and direct taxes shall be apportioned among the States according to their respective numbers."

Justice Curtis would have us believe, that while the Southern States would not intrust the apportionment of taxes and representation to Congress without some constitutional provision upon the subject, lest they be at the mercy of the other States, yet, upon the momentous question of Slavery in the Territories they have empowered Congress to legislate without constitutional restraint. Can it be possible that such an oversight as this was committed by such statesmen as James Madison, Charles Pinckney, J. Rutledge, Abr. Baldwin, *et genus omne*?

*"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but SHALL BE DELIVERED UP ON CLAIM of the party to whom such service or labor may be due."*<sup>2</sup> The Northern States had comparatively few slaves at the time of the adoption of the Constitution; and it must have been evident to every one, from the nature of the soil and climate, and the

<sup>1</sup> 3 Dall. Rep. 171.

<sup>2</sup> Const. Art. IV. Sect. 2.

diminutive price of slaves there, that the necessary tendency of the institution was to become extinct in those States. Hence this provision in the Constitution, that when hereafter any slave or slaves should escape from the Southern States, where Slavery would continue, into the Northern States, which would necessarily become Free States (because none of them were yet free), they should be given up. This provision was wholly for the future benefit of the South. It is true, some of the Free States have repudiated it, by nullifying the acts of Congress for the restitution of fugitives, founded upon the same; yet the Supreme Court of the United States, in the case of *Peiggs vs. the Commonwealth of Pennsylvania*,<sup>1</sup> held that the fugitive slave law of 1793 was constitutional, and passed in pursuance of its express provisions; that it excluded all State legislation upon the subject, and that no State had a right to modify it, or to impede the execution of any law of Congress upon the subject of fugitive slaves.<sup>1</sup> Here again the property interests of the Southern States were recognized and secured by the Constitution. In doing this, could the Southern delegation have been so blind to their *future* interests as to have left their States liable to be entirely excluded from all participation in the peopling the Territories and in the formation of new States? The Southern delegates could not have been ignorant of the vast amount of territory then belonging to the United States, from the cessions of the several States; they could not have been entirely ignorant of the geography and physical character of this vast amount of territory south of the Ohio and of Tennessee; that these rich and fertile lands could never be brought into successful cultivation except by slave labor. Can it be, that while the Southern States were so zealous of their rights and future interests in every other particular, as to hedge them round with every necessary constitutional provision, and yet in this, the most important of all, their rights and future interests in settling up the Territories and forming of new States, they should have left themselves entirely at the mercy of Congress or of the other States? They had provided in the Constitution that "new States might be admitted by Congress into the Union," but what benefit had they secured to themselves from this, if they were liable to be excluded from them? So far from any benefit, they were liable to be swallowed up by an

<sup>1</sup> 16 Peters' U. S. Rep. 539. The Constitution and laws of the United States contemplate a summary proceeding and surrender on a claim, and not the delay of a trial by jury, S. C. See also *Jackson vs. Martin*, 12 Wendell's Rep. 311. 2 Kent, 32.

increasing majority, to overwhelm them and entirely annihilate their political importance in the affairs of the nation. Such could never have been their intention. And our learned Justice, when he comes to examine it, will find as little authority from the doctrine of probability for his position, as from that of contemporaneous construction.

This Union is a union of all the States upon political equality. No State can be admitted into this Union under any restraint or political inequality. It appears by Mr. Madison's statement, that there was a proposition in the Convention to discriminate between old and new States, by an article in the Constitution, which was rejected. The effect of such a discrimination, he said, is sufficiently evident.<sup>1</sup> All power not delegated by the Constitution to Congress is expressly reserved to the States; that is, to all the States. Whatever restraint, therefore, is imposed upon one, must be common to all. The exercise of any power by Congress over the Territories for the purpose of forestalling public opinion or predetermining the political character of the domestic institutions of the States formed out of such territory, is a partial and an unjust interference with the rights of the people, and a palpable violation of the spirit of the Constitution. If Congress cannot abolish Slavery in the old States, it cannot prohibit it in the new, or in the Territories, which would be indirectly doing the same thing. What the Constitution will not permit directly, cannot be done indirectly; according to a legal maxim. The prohibition of Slavery in a Territory as a needful regulation would not only exclude all the citizens of the Slave States, or their property, which would be the same thing, but it might, if legal, involve the expropriation of millions of private property for public use, without compensation — an assumption of power over Slave property that has never been exercised by the government of any civilized nation on earth.<sup>2</sup> Suppose that there had been fifty thousand slaves in the Territory of Oregon when the territorial law took effect; they would all thereby have become free, and that, too, without compensation — an act of confiscation unparalleled in the history of civilized nations.<sup>2</sup> The same may be said of the Louisiana Purchase, and the Missouri Compromise line; if that line could have been placed where it was, it might also have been run along

<sup>1</sup> Madison's Letter to Robert Walsh, November 27, 1819.

<sup>2</sup> In every instance of emancipation by the English Parliament, compensation has been awarded to the owners of the slaves for their loss.

the southern boundary of the territory, and instead of three-fifths it might have left the whole territory to its north; with this difference, however, that while in Oregon the property was only protected by the Constitution, in Louisiana it was protected both by treaty and the Constitution. But we are told that there were no slaves in Louisiana north of this line; also that the slave States ought not to complain of being excluded from the territories, as they have a fair proportion of the territory, &c. Such reasoning cannot better be characterized than as a kind of argumentative whining that always betokens the weakness of the cause in which it is employed. It should be borne in mind these are great constitutional questions to be determined upon principles entirely independent of such circumstances. In the phrase "all needful regulations," our learned Justice lays great stress upon the word "all," as though the jurisdiction of Congress in this respect admitted of no limit. Suppose then Congress should deem it a needful regulation to establish some particular form of religion in the territories by law, or confer titles of nobility; or for the purpose of promoting settlements it should tax the lands of non-residents double those of residents, would our learned Justice in his seat upon the Federal bench affirm the constitutionality of these acts of Congress? I trow not. For that Federal Court has decided in the case of *Loughborough vs. Blake*, that the binding force of the Constitution, which prohibits these acts, is co-extensive with the dominion of the United States, including the territories. As Congress has no power except what it derives from the Constitution, it can exercise none except it be under that instrument.

Justice M'Lean, in his dissenting opinion in this case (*Scott vs. Sandforth*), page 534, says: "*The civil law throughout the continent of Europe, it is believed, without exception, is that slavery can exist only in the territory where it is established; and that, if a slave escapes or is carried beyond such territory, his master cannot reclaim him, unless by virtue of some express stipulation.*" Even admitting that the master could not, without a treaty stipulation, recover his slave in Europe, from a foreign nation, that would have no bearing upon the question of the locality of slavery. A treaty has always been thought necessary for this purpose, even in this country. Treaties for this purpose existed even between the colonies, while they were all alike engaged in the slave-trade and slave-holding; also to recover fugitives who escaped from the United States into the Spanish dominions adjoining. Does

this prove anything with regard to the absolute locality of slavery? Was not slavery universal in the colonies and early States, and the Spanish dominions? But this assertion is not true with regard to European nations governed by the civil law, except where slavery had been prohibited by some royal decree or ordinance, as it was at an early day in France.<sup>1</sup> If the learned Justice will look into the canons of the Church, he will find it the practice, from the days of Paul's Epistle to Philemon down to a late period, not only to distinctly recognize and protect the right of property in the master, but to restore him his fugitive slave.<sup>2</sup> Originally, under the civil law, the master held his slave by virtue of the *jus gentium*, and could recover him in any nation where that law prevailed — till it became modified, in some nations, by their own municipal regulations. Again (page 629): "*Slavery, being contrary to natural right, is created only by municipal law.*" If this proposition be self-evident, as it is asserted to be, there could be no such thing, at common law, as penalties for crimes; for every penalty is contrary to natural right. But no: the propositions just cited are unwarranted assumptions, unfounded in fact, untenable in truth. The original locality or universality of slavery and the slave-trade, is necessarily, as regards the present, a question of fact and not of law. Hence, an appeal to its past history is of paramount authority to the dictum of jurists or the decisions of courts of justice. No court of justice can authoritatively determine any question but a question of law for the present and future, within its own territorial jurisdiction. We maintain directly the reverse of this, viz. that slavery and the slave-trade are not founded on municipal law, but on immemorial custom, incorporated into the ancient and modern code of nations. That the relation of master and slave is as old as the human family; that it rests on the same foundation as that of husband and wife, parent and child, and the distinctive rights of persons and things; that it was originally universal, and sanctioned by law public and private, human and divine; that all exceptions to its prevalence arise from the abrogation of universal custom, by the potent arm of legislation.

The fundamental origin of this institution was *ex jure gentium*, from a state of captivity in war;<sup>3</sup> its continuance rested

<sup>1</sup> See Essay VI. ante, p. 142.

<sup>2</sup> See Essay V. Slavery in the New Testament, ante, p. 113.

<sup>3</sup> This law of captivity was the law of the ancient world: this is shown by reference to the Old Testament, to Plato and Aristotle, to Justinian,

on the law of birth, "*partus sequitur ventrem*," the offspring follows the condition of the mother. We put the question to these learned Justices, upon what municipal regulations did these principles originally depend, and to what localities were they confined?

Law, for the government and regulation of this institution, is the creature of slavery. The real cause and ultimate necessity of human bondage in some form or other, have had, in all ages and nations, an anterior existence to all human law; their foundation is laid broad and deep in the philosophy of human nature; they take their origin in the physical and mental defects and imperfections of the races. Laws may, it is true, change the form and modify, for better or for worse, the system under which any state of servitude may exist; but they can no more abolish the substantial relation of master and slave, than they can do away with mental and physical imbecility, poverty, ignorance, idiocy, lunacy, and the various forms of mental incapacity, and their consequences upon mankind. In the language of Aristotle, it is the province of mind to govern and of matter to be governed; of the strong to command and of the weak to obey.<sup>1</sup>

These principles are universal in their application, and the world's history exemplifies their truth. Where is there a nation that has no slavery or slave-trade in its history? Where is the nation, if free, that has not become so by the potent arm of legislation, in some form?—by the abrogation of immemorial custom? If there be now States or nations, in Europe or America, that will not enforce this relation, it is because, like certain other laws, it contravenes their prohibitory statutes and sound public policy, which they have a right to regulate: it furnishes no evidence of a territorial limit to the master's right, except where it is so prohibited.

Slavery and the slave-trade were originally universal by the law of nations; approved by all public writers and moralists, from Moses to Plato, from Aristotle to Seneca, from Cicero to Justinian, and the publicists of the Middle Ages.<sup>2</sup> No one

to the codes and publicists of the Middle Ages, to Grotius and Puffendorf (the fathers of the modern law of nations), in the 1st, 2d, 3d, 4th, and 6th Essays of this work.

<sup>1</sup> See Essay on Greek Slavery, *supra*, p. 55.

<sup>2</sup> Slavery and the slave-trade are universal by the law of nations (the *jus gentium*). This law, by the whole ancient world, doomed the captive to the service of his captor. Gen. 24 : 35, 36. Exod. 21 : 20, 21. το γαρ ἀργύριον αὐτοῦ ἐστί; "for he is his money." Sept. Ez. 27 : 13. Rev. 13 : 18.

doubted the legitimacy of the traffic, in enlightened Europe. It was patronized and defended by the best of men. How

Joel 3 : 2-8. Am. 2 : 6 ; 8 : 6. Na. 3 : 10. Nem. 5 : 8. Lev. 25 : 44-46. Numb. 31 : 18, 32, 35, 40. Deut. 20 : 14 ; 21 : 10-12. See Essay I. II., Hebrew Slavery, ante, p. 29. Ill. ix. 594 : Τεκνα δὲ τ' ἄλλοι, &c. xxii. 62, Odyss. 146 : δορίαλωροί, Odyss. xv. 483. Isocr. Platae 9, p. 406 : οὐκ ἦν παρίον, &c. Tim. apud. Athen. vi. p. 264 : Χίοι πρωτοί, &c. Theop. apud. Id. 265 : Μηδὲ Ἑλληνα ἄρα δούλον, &c. Plato de Rep. v. 469. De Leg. vi. p. 777. See also Aristotle's Eth. and Politic, by Gillis, 3d Lond. ed. vol. ii. p. 29 et seq. Gill's Greece, art. Slavery. Smith's Gr. and Rom. Antiq., art. Slavery. Essay III. Greek Slavery, ante, p. 50. Dig. Lib. i. tit. v. Justin's Insts. lib. i. tit. iii. sects. 3-4. Cato in Gall. vii. 4, lib. v. 22. Cicero in Pis. 15. Plaut. Bach. 10, 7, 17. Varro, R. R. i. i. Mart. vii. 87. Essay IV. Roman Slavery, ante, p. 69. For canons of the Church, see Essay V. Slavery in New Testament. For modern nations, see Hall. Midd. Ages, iv. 221. Gibbon's Decl. and Fall R. Emp. i. 63. Essay VI. Slavery in Middle Ages, ante, p. 133. Grotius and Puff. Verbo Slave-Trade. By several nations of Europe, slavery and the slave-trade have been abolished. Mr. Wheaton gives a minute history of their acts upon this subject ; but it is still recognized as a principle of national law, and the trade is legitimate to all nations that have not so abolished it. No nation is free of it except by legislation : it is originally universal. Wheat. Elmts. Internat. Law, p. 184 et seq. Our learned justices are entirely mistaken as to the locality of slavery.

Case of The Diana, per Lord Stowell : he says England will not be the *custos morum* of other nations upon slavery. 1 Dod. Ad. Rep. p. 95. Slave-trade admitted to Africa by law of nations. Wheat. p. 195. In all the European nations governed by the civil law, slavery and the slave-trade were originally universal by the international code of Europe and America, the *Jus Gentium* of Justinian. It has only been abolished by municipal law. Says Mr. Wheaton : "The African slave-trade, though prohibited by the municipal law of most nations, and declared to be piracy by the statutes of Great Britain and the United States, and, since the treaty of 1841 with Great Britain, by Austria, Prussia, and Russia, is not such by the law of nations ; and its interdiction cannot be enforced by the exercise of the ordinary right of visitation and search. That right does not exist, in time of peace, independent of special compact." \* \* \* "This branch of commerce, once legitimate by all European States, made the subject of wars, negotiations, and treaties, was first successfully prohibited by the municipal laws of Denmark, the United States of America, and Great Britain, to their own subjects. Its final *abolition* was stipulated by the treaties of Paris, Kiel, and Ghent, in 1814 ; confirmed by the declaration of the Congress of Vienna, of the 8th Feb. 1815 ; and reiterated by the additional article annexed to the treaty of peace concluded at Paris, 20th Nov. 1815. The accession of Spain and Portugal to the principles of abolition, was finally obtained by the treaties between Great Britain and those powers, of the 23d Sept. 1817, and the 22d Jan. 1815. And by a convocation concluded with Brazil, in 1826, it was made piratical for the subjects of that country to engage in the trade after 1830. By the treaties of 30th Nov. 1831, and 22d May, 1833, between France and Great Britain, to which nearly all the maritime powers of Europe have subsequently acceded, the mutual right of



was it in the American colonies? What locality can be given to slavery there? The illustrious Winthrop deemed Indian captives, taken in just wars, to be lawful articles of commerce. The Guinea trade was carried on without scruple; till, at the Declaration of Independence, every one of the thirteen were slave-holding colonies; and, at the adoption of the Constitution, all the States but one. Slavery, then, in this country, certainly was originally universal. Free territory became the exception. The original universality of slavery and the slave-trade, both in this country and Europe, is a fixed fact in history; and the dictum of no man, nor the decision of any court of justice, can prevail against it. The relation of master and slave is as old and as universal as that of man and wife, or parent and child; and rests upon the same authoritative source of right. By analogous principles and parity of reasoning, the master has the same right to control his slave, whose *status* is such at his native domicile, wherever he may go, except in those governments where that relation is prohibited by municipal law, as he has to control his wife or his child. And his right of property is indisputable, as we shall show in this essay.<sup>1</sup>

All laws upon the subject of slavery presuppose its existence from some anterior cause; and they spring up and naturally cluster around it as they do around any other one of the institutions that are as old as the human family, and lie at the foundation of civil society. It is said that "Nature makes no man a slave; all come free from the hand of the Creator," &c.<sup>2</sup> This proposition is, directly, true; but, indirectly, it is not; Nature inflicts the cause upon many men, that necessarily places them in that condition, in their intercourse with civilized society.<sup>3</sup> It is not necessary to constitute slavery that the subject

search was conceded, within certain geographical limits, as a means of suppressing this trade. The provisions of these treaties were extended to a wider range by the Quintuple Treaty concluded on the 21st Dec. 1841, between the five great European Powers; and subsequently ratified by them all, except France, which power still remained bound only by her treaties of 1831 and 1833 with Great Britain.

The United States and Great Britain, by treaty of 9th Aug. 1842, mutually stipulated that each should prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron or naval force of vessels, &c., for the suppression of the slave-trade."

<sup>1</sup> Pardessus's Droit. Comm. pt. vi. tit. 7, ch. 2, sect. 1. Felix Droit. Internal. Plive Lev. i. sect. 31. Hub. tom. ii. 1 Tit. 3. De Conflict. Ley. sect. 12. Wheat. Elmts. International Law, p. 122.

<sup>2</sup> See verses of Philemon, Fray, Mein, p. 410. Essay on Greek Slavery.

<sup>3</sup> See instances cited of voluntary slavery. Essay on Greek Slavery.

should be immediately held to service by the force of the civil law ; there may be, and are, other causes more coercive, deadly and fatal in their effect, from which it is physically impossible to escape ; and which subject him to a far more abject condition. It is not necessary that they should be driven by the dread of the civil law, or the fear of the master's lash, to render their servitude involuntary. There may be the stinging lash of hunger constantly preying upon the vitals of its subjects, as in the case of British slavery. They may have the grim and ghostly terrors of starvation and death for their slave-drivers, stalking after them in their most livid and ghastly form.<sup>1</sup> Neither is the right to kill, or the power of life and death over the person, or to make merchandize of the services of the slave ; to hold them as money, and "buy them and take them for an inheritance for your children, that they may be your bondsmen forever ;" a *sine qua non* to a state of involuntary servitude. These are but the peculiar features of the institution dependent upon the prevailing custom of the age and nation.

One of the most hideous features of the American system of the present day, in the estimation of anti-slavery people, is, that it is termed chattel-slavery ; that it makes merchandize of human beings, and reduces men to mere things. This, however, arises wholly from a misconception of the nature and spirit of the institution in this country. A single ray of light, could it but fairly find its way into the benighted mass of public opinion, would scatter the intense cloud of darkness, upon this point, from their view.

The idea of a person becoming property, a mere chattel or thing, as a brute, a bale of merchandize and the like, subject to be bought and sold, is but a fiction of law, for mere form or convenience, that has no counterpart in reality. There is not, there cannot be, under the existing form of the government, laws, and institutions of this country, such an article of property as the person of an individual who is (as all persons are) held amenable to the law of the land.

In the relation of master and slave, the right of ownership

<sup>1</sup> This was one of the terrors held up to the Greek slave, to awe him into obedience, and submission ; he was constantly reminded of its horrors by a certain custom which prevailed of beating him and driving him out of doors on a certain day of the year, called the Feast of *Βουλιμος*, or starvation personified. See Essay on Greek Slavery, *supra*, p. 58. This is very similar to the practice of some masters to drive off their runaway slaves when they come in, to break them of the habit of running away by starving them.

or property attaches wholly to his services, and gives no right or claim of any name or kind upon his person, farther than to secure and obtain the use and benefit of those services. The right to the services must necessarily carry with it the right, so far, and so far only, to control the person of the slave; and hence the ownership of the services is erroneously confounded with that of the flesh and blood, soul and body, of the slave.

That a slave is not a chattel, and that the master has no right of property in his flesh and blood, as such, appears from the fact that he cannot appropriate his bones and sinews to any other use than that of rendering service, however much more valuable they might be for other purposes. A chattel, as a stick of timber, a block of marble, and the like, the owner may elect to what use they shall be consigned. But not so with the body and limbs of the slave; those are a sacred trust placed in the master's hands by law for their mutual good; and only as regards his right for a specific purpose. If he violates that trust, the law will take it from him and punish him.

The person of the slave is not subject to ownership from the fact that he is individually held amenable to the law; which, if he violates, he is taken from the control of the master and punished; like all other persons, he must atone for a transgression of the law by suffering the penalty, and all the master can claim of the civil authorities is remuneration for the loss of his services.<sup>1</sup> Is this one of the properties of a chattel? Would it not be an anomaly in judicial proceedings to organize a court for the trial and punishment of unruly horses and horned-cattle? The right of the master to the service of the slave no more entitles him to the ownership of his person than it does the State to that of its paupers and convicts. It is true, in either of these instances, that the labor of a person may and does become an article of property, which may or may not be alienable and heritable; and, as such, it necessarily carries with it the right so far to control the person of the individual held to service. In the Southern States the right is preserved to the master to purchase, inherit, transmit, and alienate this species of property; and, as this carries with it the limited right of personal discipline and control over the subject, as in all other cases of the kind, it has, by common consent and for convenience, by a fiction of law, come to be

<sup>1</sup> In every Slave State in the Union, slaves are privileged with a trial by jury for any indictable offence the same as any other person. They may also appear in many of the States, if not all, in courts of justice, and maintain an action for their freedom.

called the inheritance, transmission, alienation, &c. of the slave. To disprove this exposition of the philosophy of this feature of the institution, passages of law, like the following, are often quoted: "*Slaves shall be deemed, taken, and held to be chattels, personal, to all intents, constructions, and purposes whatsoever.*" This passage of law is frequently emblazoned in huge capitals upon Abolition books, pamphlets, and magazines, and heralded forth to the world to prove that, by the laws of the Slave States of this Union, the persons of the negroes are reduced to mere chattels. But a word of explanation, we trust, will serve to harmonize the meaning of this quotation with the exposition of this feature of the institution above given. In Louisiana, and perhaps some of the other Slave States, the property which the master has in his slaves, is taken and held by law to be real estate, immovable by a fiction of law,<sup>1</sup> and each State must determine by law what caste or character this species of property shall assume in their acts and judicial proceedings; whether it shall be considered real estate, as in Louisiana, or whether it shall be considered as chattels *personal*, as in the law above quoted. The sole object and meaning, which has been so grossly and blindly perverted, is not to brand the slave as a chattel, in contradistinction from a person, but to mark that species of property, which the master holds in his slave, as a *chattel personal*, in contradistinction from real estate. All this, so far as regards the person of the slave, or reducing him from a person, under the law, to a mere chattel, is but a fiction; in a literal sense, it renders the law inconsistent with itself, and is absurd. There is not a State in the Union where slaves are not deemed, taken, and held to be persons within the meaning of the law, amenable, and protected by the same. To maim, mutilate, or take the life of one of them, is, in every State, a criminal offence, visited with various penalties according to the aggravation of the crime. Homicide with malice, &c. is as much murder with regard to a slave as any other person.<sup>2</sup> But it would be a singular freak of cri-

<sup>1</sup> It is so also by the French and Spanish law, C. C. La., Art. 461. Poth Commun, n. 30. Intro gen aux Cout, n. 47. C. N., Art. 523. "Les tuyaux servant a la conduite des eaux dans une maison ou autre héritage, sont immeubles, et font partie du fonds auquel ils sont attachés." Baquoit, 5 Août, 1829. "Les nègres, ou esclaves, quoique réputés immeubles lorsqu'ils sont attachés dans les colonies à une habitation, prennent le caractère de lorsqu'ils en sont détachés." C. C. Rejet, Martinique.

<sup>2</sup> Constitution of Texas, Art. 8, Slaves, Sect. 1: "They (the Legislature) shall have power to pass laws which will oblige the owners of slaves to treat them with humanity; to provide for the necessary food and clothing; to abstain from all injuries to them extending to life or limb, and,

minal law to condemn a man to be hung for murdering a chattel, or piece of property. Such a crime can be committed only upon a person within the power of the State.

The error and misrepresentations of Abolition writers consist in citing single isolated passages and garbled extracts from the slave code. To form a correct opinion upon this, as

in case of their neglect or refusal to comply with the directions of such laws, to have such slaves taken from such owners and sold for his benefit. They may also pass laws to prevent slaves from being brought into the State as merchandize."

Sect. 2. "In the prosecution of slaves for a crime of a higher grade than petit larceny, the Legislature shall have no power to deprive them of an impartial trial by petit jury."

Sect. 3. "Any person who shall maliciously dismember or deprive a slave of life, shall suffer the same punishment as would be inflicted in case of such an offence against a white person, and on like proof."

Prince's Dig., Stat. Laws of Ga., p. 656. "Any owner or employer of a slave, or slaves, who shall cruelly treat them, by withholding proper food, or by excessive whipping, by overworking, by not affording proper clothing, &c., every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment," &c.

See similar Statutes of Florida, Thompson's Dig., p. 511, Art. 21, also p. 542. In the trial of any slave in the Circuit Court, the same rules and proceedings shall be observed as in the trials of white persons.

C. C. La., Art. 178. "The slave is entirely subject to the will of his master, who may correct and chastise him, though not with unusual rigor, nor so as to maim or mutilate him, or to expose him to the danger of loss of life, or to cause his death."

Id., Art. 175. "All that a slave possesses belongs to his master; he possesses nothing except his *peculium*; that is to say, the sum of money, or of moveable estate, which his master chooses he should possess."

Id., Art. 194. "The slave for years cannot be transported out of the State. He may appear in court to claim the protection of the laws where there are good reasons to believe that it is intended to carry him out of the State."

Id., Art. 177. "A slave cannot be a party to any civil action, either as plaintiff or defendant, except when he has to claim, or prove his freedom."

Id., Art. 191. "Masters may be compelled to manumit their slaves when they have rendered valuable services to the State, but the master must be compensated by the State, as in case of punishment of his slave, for the loss of the services of his slaves."

Id., Art. 192. "The slave may be taken from the master, as by a forced sale, when he is cruelly treated."

"If any person or persons whatsoever, shall wilfully kill his slave, or the slave of any other person, the said person or persons being convicted thereof, shall be tried and condemned agreeably to the laws." And it is provided by the same act, that when any slave shall be beaten, mutilated, and ill-treated, contrary to the true intent and meaning of this act, and when, in such case, no one shall be present in consequence of the inadmissibility of negro testimony, the owner himself shall be deemed respon-

well as any other legal subject, all laws in *pari materia*, must be construed together.

In this manner they quote the common definition of a slave, without any reference to other laws that qualify the meaning of the terms, and limit the extent of their application. "A slave is one who is in the power of the master to whom he belongs. The master may sell him, dispose of his person, his industry and his labor; he can do nothing, possess nothing, nor acquire anything, but what must belong to his master." (C. C. La., Art, 35.<sup>1</sup>) By construing this definition with other laws upon the same subject, to what extent does the slave belong to his master, and for what purpose can he dispose of his person? He has only a limited control over it, for a specific purpose, and can dispose of nothing more. So as to the property or *peculium* of the slave. The master has only such a control over it as to prevent its being appropriated to any purpose inconsistent with the services due by the slave, or with the slave's own welfare.

What, then, is to be understood by chattel slavery? It is certainly not that the slave is an absolute chattel; the term applies to his labor, and not to his person; the right to the labor carries with it the limited control of the individual; but the purchaser acquires no more property in his being than the husband has in the wife, or the parent in his child. If the power to alienate and transfer this species of property, in this manner, be not conducive to the welfare of both the master and the slave, let it be abolished, altered or modified as their best interests may require. There is no system that may not be improved. But it is singular that the wisdom and experience of the world, for more than sixty centuries, should not have detected the error. Of the blessings of this custom, when not abused, to both the master and the slave, no one at all acquainted with the system can doubt. In the first place, it enables and guilty of the offence, and shall be prosecuted without further evidence," &c. Revised Statutes of La.

A certain allowance of food, and a fixed number of hours for labor are also fixed by statutes, too voluminous to quote. It is also a grave offence, under the statute, visited by a heavy penalty, to sell away children from their mothers before they have arrived at the age of ten years. See Revised Statutes.

We might quote the laws of other slave States to a similar effect, but it would carry us beyond the limits of this work. We trust we have given sufficient to show the spirit of the institution.

<sup>1</sup> Let it be remembered that this is but a declaratory statute; it enacts nothing, but simply declares the condition of a slave; it does not create that condition, but presupposes its existence; if there were no such class of persons, no such law could have been passed.

hances the value of this species of property: it gives the owner better credit and greater ability to feed, clothe, and take care of his people. Besides, it gives rise to a pecuniary incentive, which is the most powerful with some to preserve the health and good condition of the negroes; it protects them, in some instances, where both law and humanity would fail, against over-work, bad diet, and other cruel treatment. On the other hand, it as often enables the slave to better his condition as to render it worse, and is more frequently the means of bringing and keeping families together than of producing separation. Neighborhoods and settlements, that have resided together for years, whose people have intermarried with one another and raised families, are constantly breaking up and removing to different and distant parts of the country; however humane and kind these masters might be, were it not for the power to alienate and exchange their people, the entire breaking up and final separation of all these families must inevitably follow. Thousands of instances also occur of slaves having wives at such a distance as to render it too inconvenient and expensive for them to visit as often as they desire. In such instances a separation must follow, unless the husband and wife can be settled nearer to each other by a sale or interchange. In order to support and provide employment for any considerable family of slaves under one's own care, he must be confined to agriculture, or some kindred pursuit; and should the merchant, mechanic, or professional man, come into possession of a large number, had he not the power to alienate and transfer them, he would be unable to provide for their wants. If slaves could not change owners by purchase, exchange, &c., they would be liable to linger through life in the hands of the poor and destitute, and suffer all the inconveniences and hardships of abject poverty and distress; or in the hands of unprincipled brutes, who have neither the disposition or power to provide for their wants, or to secure their happiness in the least degree. But being "*money*," the shiftless and unprincipled are neither worthy of or able to retain it; as a general thing, it accumulates in the hands of those who make the best use of it, and who are best able to manage it. Take this last ray of hope from the slave who is so unfortunate as to fall into the hands of a bad master, he has nothing to look forward to but a lingering life of ill-treatment, cruelties and abuse. Instead of a cheerful looking forward to a better condition, with the consoling expectation of a happy change of masters, which he may often effect himself, his doom would be fixed, his fate would be sealed. Ask

him if the right to change masters is not a blessing to the slave, and what is his reply? Upon the principle of compensation to the property in the labor of the slave, and the right to control his person, the law attaches the obligation to nurse and support him in sickness and in health, in infancy and helpless old age. This is the peculiarity and redeeming feature of the American or (if you please) chattel system. In British slavery, the miserable victims are subjected to the most abject servitude during life, without the slightest obligation of the master to provide for their wants in time of helplessness and distress. When they have spent faithful lives in toil for his benefit, till their days of usefulness are past, they are turned over to the tender mercies of the guardians of the poor, to be separated from their families, and become the inmates of pest-houses and parish prisons.

The selling of persons is not peculiar to the American or negro slavery; these paupers of England have been and are still as effectually sold as negro slaves. There is always an abundant supply at the public charge, and they are dealt out by the pauper guardians, under the name of apprentices, to all manner of employment to suit customers. This practice was even transferred to the Colonies. "The supply of white servants became a regular business; and a class of men, nicknamed spirits, used to delude young persons, servants and idlers, into embarking for America as a land of spontaneous plenty. White servants came to be a usual article of traffic. They were sold in England to be transported, and in Virginia were sold to the highest bidder; like negroes, they were purchased on shipboard, as men buy horses at a fair."<sup>1</sup>

Who ever heard of an American slave perishing from starvation, or becoming a pauper at the public charge? But what is the origin of this right of property of the master in the labor of his slave, and upon what foundation does it rest? We answer, that of custom, the most potent source of law, interwoven into the very texture of society. It is the same, in this respect, as any other distinctive right or specification of property.

We have endeavored, in the first Essay of this work, to show that the relation of master and slave, and the right of the former to the service of the latter, date back to the earliest traces

<sup>1</sup> By stat. 1 Ed. 6, chap. 3, it is provided that an able-bodied person at public charge shall be sold as a slave for two years; if he run away he is branded (S.) on the cheek, and sold as a slave for life. Enc. Mit. vol. ii. p. 802. 1 Bancroft, H. U. S.



of the existence of mankind ; that this species of property has been a lawful article of commerce in every age and nation ; that the right and title of the owner to the same has been held as perfect and indefeasible, and has been as universally protected and held sacred by the laws of every nation (where it has not been prohibited by positive law) as any other species of property.<sup>1</sup> We propose still further to show that the authority of this custom is still recognized, and that this right of property ever has been, and still is, held sacred and to be protected (when to be exercised in a country where it has not been abolished) by legislative and judicial authority, in both England and America.

Slavery existed by the law of nations throughout the ancient world. It existed in England before the Norman Conquest. There were certain slaves, who belonged to their lords as much as the cattle and stock upon the plantations ; they afforded articles for a brisk and lucrative trade ; they were transported to Ireland and other nations. It originated, no doubt, with the Roman Conquest, and was continued, according to the law of nations, by the numerous captives taken in the wars between the Britons, Danes and Saxons, and among the States of the Heptarchy.<sup>2</sup> African slavery existed in England as late as 1772. At the trial of Somerset's case, it was asserted that there were fourteen thousand African slaves in England.<sup>3</sup>

Among the earliest decisions of the courts of justice in England, the right of property in the slave is recognized, and it has been repeatedly held by those courts that trover would lie for a slave. Contracts for the purchase of slaves, and for the payment of the price, have been universally held good by the courts, ancient and modern, in both England and America. Damages have been universally awarded for injuries done to

<sup>1</sup> See Essay I. p. 16. Also, Numb. 31 : 18-32 ; 35 : 40. Just. tit. iii. sect. 4. Dig. lib. i. t. v. Odyss. xv. 483. Timæus Apud Ath. vi. p. 264. Theop. Apud. Ath. p. 265. *Χίλοι πρῶτοι των Ελληνων*, &c. Plato, De Republ. v. p. 469. Demosth. adv. Nic. p. 1250. For modern nations, see Hallam's Mid. Ages, iv. 221. Gibbon, D. & F. R. E. vol. i. p. 63. See ante, p. 309 (n. 2).

<sup>2</sup> Blac. Comm. pp. 92 and 93. Temple's Introd. to Hist. of England, p. 59. Turner's Hist. of the Anglo-Saxon Race, pp. 292 and 397. The toll in the market of Lewes, England, was one penny for the sale of an ox, and four for the sale of a slave. See Work of B. B. Edwards, vol. ii. p. 124. The Edict of 1685 permitted slavery in the French Colonies, and that of 1716 recites the necessity of permitting it in France, but under certain restrictions. See S. C.

<sup>3</sup> See Report of Sommersett's case, Luft's Rep. p. 6.

this species of property. In all the cases of emancipation by the English government, the owners have been compensated for the value of their property. In 1689, all the judges of England, with the eminent men who filled the offices of Solicitors, Attorney-Generals, &c., concurred in the opinion that negro slaves were merchandize within the general terms of the navigation act.<sup>1</sup> In the case of *Butts vs. Penny*, it was held that trover would lie in England at common law, for negroes taken from America.<sup>2</sup> The doctrine of the Court of the K. B. in that case was that negroes are merchandize at common law; that they are commonly bought and sold in America and other nations, the same as other property.

In one of the decrees of Lord Stowell, in 1817, the following truth is emphatically asserted: "Let me not be misunderstood or misrepresented as a professed apologist for the practice (the slave-trade), when I state facts, which no one can deny, that personal slavery arising out of captivity, is coeval with the earliest periods of the history of mankind; that it is found existing (and as far as appears without animadversion) in the earliest and most authentic records of the human race; that it is recognized by the codes of the most polished nations of antiquity; that under the light of Christianity itself the possession of persons so acquired has been in every civilized country *invested with the character of property, and secured as such by all the protection of law*; that solemn treaties have been framed, and national monopolies eagerly sought, to facilitate and extend the commerce in this asserted property; and all this with the sanction of law, public and municipal, and without any opposition, except the protest of a few private moralists little heard and less attended to in every country, till within these few years in this particular country."<sup>3</sup> The Parliament of Great Britain has especially recognized and invested negro slaves with the character of property. In 1676, by special act, it chartered the Royal African Company to prosecute this trade. By another act it divested the African Company of its slaves, and chartered the West India Company for the same purpose, and vested the slave property of the former in the latter company. By another act it subjected their property to the payment of their debts, and thus rendered slaves merchan-

<sup>1</sup> See Chalmers' *Opinions of Eminent Lawyers*, p. 263.

<sup>2</sup> *Lev. Rep.* vol. iii. p. 201.

<sup>3</sup> See Speech of Mr. Keitt, of South Carolina, on Nebraska and Kansas Bill, March 30, 1854. *Wheat. Inter. Law*, p. 186. 1 *Dod. Adm. Rep.* p. 95, case of *Diana*.

dize, liable to be bought and sold. These are the evidences, said Lord Mansfield, that Parliament has often interfered for the maintenance of the slave-trade, and the recognition of this species of property.<sup>1</sup> The statute 29th Geo. 2d, chap. 31, gives permission to the colonists to hold slaves in America, because it was thought necessary. But, said Mr. Hargrave, the same reasons do not exist in England.

It was evidently against the policy of England to perpetuate African slavery at home, hence the custom gradually came into disuse. But, said Mr. Hargrave, there never was any law against it except the force of circumstances.

The reason why negro slavery could not exist in England, any more than in Massachusetts and many of the free States, must be obvious. Within the limited territory of that country, overwhelmed with paupers in a perishing condition, there was no room for negro slaves, no want of their labor. The British aristocrat found it vastly to his interest to keep a starving white population around him, nominally free, and working for nominal wages, without incurring the obligation of furnishing them a support in times of need.

In the celebrated opinion delivered by Lord Mansfield in *Sommersett's case*, in 1772, we find the principle asserted (though not positively, as we contend) that the right of the master to the service of his slave did not give him the right to control his person in England at common law. *Sommersett* was a slave, purchased upon the coast of Africa and carried to Virginia; he belonged to one Mr. Stewart; he had been carried over to England by his master, and was brought before the judges there on a writ of Habeas Corpus; the question was whether he should be remanded to the custody of his master, or whether he might be discharged from the same. The case was learnedly argued on both sides, and a variety of authorities cited. The argument for the defence was in substance that the right of the master to the service of his slave was absolute and indefeasible, being universally recognized by legislative and judicial authority; that it necessarily carried with it the right to control the person of the slave. That there was no law or precedent in England that prohibited the enforcement of this right, and that the court was bound to recognize it as existing at common law; that to hold the contrary would turn loose fourteen thousand African slaves that were then, and had

<sup>1</sup> *Sommersett's case*. The decision in that case turned loose fourteen thousand negro slaves in England, and gave rise to the foundation of the colony of Sierra Leone. *American Enc.* vol. ii. p. 351.

been, held in England. On the other hand, it was contended that African slavery was an evil, immoral in its character and consequences; that in the present instance it existed only by a Colonial law which was subject to the supervision of the legislative and judicial authority of the mother government; that such authority could be under no obligations to recognize a principle of Colonial law in England that contravened its own policy; that the question of comity, under such circumstances, did not arise; that to recognize the right of the master to hold and control his slave would overwhelm England with negroes, while with a limited territory and a starving pauper population, she could not support them; besides, they were held in such odium that they could not live there. With these reasons before him, the learned judge was evidently thrown into much difficulty and embarrassment; and we cannot but regret that his reasons are not more fully stated in the report that has come down to us. He says he shall confine his reasons strictly to the return on the writ, and seems to intimate that there might be some defect in that return. He says, "*we are all agreed; and for various reasons, as is usual on the return of a Habeas Corpus, the only question before us is whether the CAUSE ON THE RETURN IS SUFFICIENT FOR REMANDING THE SLAVE.*" He decides that it was insufficient, and that he must be discharged. He alludes to the immorality of the institution, and the evil consequences that it might entail upon England.

It seems to have been decided, not as a question of right, founded upon law, but either upon some defect in the return or as a question of conscience, good morals, and sound public policy in England. As the case is reported, it is difficult to see the consistency of the reasoning of the court. We submit the question to more experienced jurists, whether it is within the province of the judiciary of any government to decide upon questions of public policy, farther than such policy may be indicated by the spirit of the law, or to decide questions of conscience, farther than their office extends under the law as conservators of public morals; that whenever they overreach these limits, they usurp the legislative power of the government. He says, "we pay all due attention to the opinions of Sir Philip Yorke, and Lord Chief Justice Talbot, in which they had pledged themselves to British planters for all the legal consequences of their slaves coming over from the colonies to this country and being baptized." The learned judge also admits in this, as well as many other opinions, that the laws of England attach upon a contract for the price of a slave, and

it has been universally enforced in both England and America ; now if the right of property is to be defeated upon the ground that it contravenes the laws of nature, is immoral, &c., as seems to have been intimated, it might be by the court in this case, why does not the same reason vitiate the contract for the price or the claim for damages for loss of services ?<sup>1</sup> The courts of England then will so far admit the right of property as to enforce the payment of the price, and award damages for the loss of services ; but will not enforce the law relative to the control of the person, because it is immoral, &c.

If immorality taints the right of action in one instance, it must necessarily do so in the other ; else the Court might be thrown into the awkward dilemma of deciding upon the right of the master to his slave in England, and his obligation to pay the price of the purchase in the same case, and be compelled to give judgment against him on both pleas ; in other words, an individual might sell another a slave, and then appeal to the laws of England to take him from him, and compel him, at the same time, to pay the price. Therefore, this case, as reported, has but little weight of authority upon any principle whatever. It has been overruled by Lord Stowell, in the case of the slave Grace.

Although the African slave-trade has been declared piracy by a number of Christian nations, yet it remains lawful for all those that have not renounced it ; and this species of property, belonging to the citizens of those nations, must be respected.<sup>2</sup> The courts of both England and America will enforce the contract for the price, and the claims for damages, relative to this species of property. The English Government has, in all acts of emancipation in the West Indies and elsewhere, provided for the remuneration of the owners : commissioners have been appointed to appraise the damages, as in all cases of the appropriation of private property for public use.<sup>3</sup> There was a case brought up from the Supreme Court of British Guiana. It was held by the Privy Council, that, in consequence of the abolition act of Parliament, the lessee of a plantation and slaves was entitled to a diminution of rent, in consequence of

<sup>1</sup> *Ex turpi contractu oritur non actio*, 11 S. and R. 164. 11 Wheat. 268. 4 Pic. Rep. *Dedham Bank vs. Chickering*.

<sup>2</sup> *Case of the Antelope*, 10 Wheat. 66 ; See *Jane Eugenie*, 2 Mason, 409. *The Amelia*, 1 Acton, 240. *The Jane Maria*, 1 Dod. 19. *The Diana*, 1 Dod. 75. *Mindoe vs. Willis*, 3 B. & A. *Commonwealth vs. Aves*, 18 Pic. 193.

<sup>3</sup> See *Albany vs. Metenayer*, 3d E. & F. Moore, 452.

the emancipation of three Indian women. This case was decided in 1841; the act of Parliament took effect in 1834: the act provided commissioners to appraise the damages for loss of property generally. In the case of *Richards vs. Attorney-General of Jamaica*, the Lord Chancellor held that the compulsory manumission or sale of slaves effected by the abolition act, so impressed the slaves with the character of [*"chattels personal"*] personal estate, from the passing of the act, that the compensation money provided by the act passed under the will of the testator who died before the period of emancipation arrived.<sup>1</sup> In the case of *Baron vs. Denman*, the slaves of a Spaniard were taken from one of the barracoons at Dembowe, and carried to Sierra Leone. The learned English judges held that the plaintiff, who carried on the slave-trade, had such a property in his slaves, that he might maintain trespass for their seizure—the slave-trade not being prohibited by the law of nations, and it not appearing that Spain had passed any law abolishing the traffic, pursuant to the treaty of 6 & 7 William IV.<sup>2</sup>

"A native of a country where slavery is not prohibited by law may recover, in a court of England, at common law, the value of slaves wrongfully seized by a British officer, on board of a ship of a country allowing slavery. And the master can recover damages generally, at common law, for the loss of services, when his slaves have been taken from him."<sup>3</sup>

In the case of *Williams vs. Brown*, the plaintiff was a runaway slave from Granada: he hired himself as a common seaman in England, on board the ship *Holderness*, bound to Grenada. On her arrival there, Mr. Hardman, the master of the slave, claimed him, and the captain gave him up. Whereupon, they all three entered into a new contract for the manumission of the slave for a stipulated price paid by the master of the ship, on the agreement of the slave to serve him faithfully three years on board of said ship, for a stipulated sum. This was agreed to by the then freedman. But on his return from the first trip to England, he commenced the present action for his services on the *quantum meruit*. The Court held that he could not recover any more than the stipulated price. In

<sup>1</sup> *Albany vs. Metenayer*, 3d E. & F. Moore, 452. 13 Jur. 197: 7 Har. Dig. p. 1522.

<sup>2</sup> *Baron vs. Denman*, 2d Exch. 167.

<sup>3</sup> *Madraza vs. Willis*, 3d B. & A. 353. Bacon's Abmt. vol. ix. p. 473. *Chamberton vs. Harvey*, 1 Ld. Raym. 146. *Smith vs. Gould*, 2d Ld. Raym. 1274.

this case, it was strenuously contended that the defendant had taken advantage of the plaintiff's condition, and that his covenant for services was made under a species of duress, to enable him to obtain his freedom. But the Court distinctly recognized the right of the master, and the obligation of the slave to serve, under the laws of Grenada. They say that the slave committed a fraud upon the master of the ship when he first engaged his services to him, by concealing the fact that he was a slave, and incapable of contracting; that when he was claimed by his master, the defendant was entitled to damages for a breach of contract by the slave.<sup>1</sup> Previous to the celebrated opinion delivered in *Sommersett's case*, in 1772, it had been held by several decisions, that the master's right to the service of his slave carried with it the right to control his person even in England; so much so, that he could maintain trover for the same.

In the case of *Pearne vs. Lisle*, in the High Court of Chancery, in 1749, it was held that trover would lie for a negro slave; that they were as much property in that respect as in anything else. In that case, the plaintiff claimed fourteen negroes at Antigua; defendant had them hired, and refused to give them up. Defendant declared his intention of going to Antigua soon. Plaintiff filed a bill in chancery, and obtained a writ *ne exeat regno*, which was discharged. *Per Curiam*: "I have no doubt that trover will lie for a negro slave; they are as much property [for that purpose] as anything else. The case referred to at bar (in 2 Salkield 666, *Smith vs. Brown & Cooper*) was determined for want of proper description. It was trover for an '*Æthiop vocat Negro*,' without alleging that he was a slave. The reason said to have been given by Lord Holt, in that case, as the cause of his doubt, viz. 'THAT THE MOMENT A SLAVE SETS FOOT IN ENGLAND HE BECOMES FREE,' has no weight in it; nor can any reason be assigned why they should not be equally so when they set foot in Jamaica, or any other English plantation. All our colonies are subject to the laws of England; though, for some specific purposes, they have laws of their own. There was once a doubt whether, if any slave was christened, he did not become free; and then great precautions were taken, in the colonies, to prevent their being baptised; until the opinion of Lord Talbot and myself, then Attorney and Solicitor-General,

<sup>1</sup> *Williams vs. Brown*, 3d Bass. & Pull. Rep. p. 69. A slave may be the subject of larceny at common law. *Bacl. Abr.* 4, p. 178.

was taken on that point. We both held that it did not alter their condition. There were formerly villiens or slaves in England; and there are no laws that have abrogated this right. Trover might have been brought for a villien. As to the merits of this case, a specific delivery of the negroes is prayed for: that is not necessary—others are as good: the negroes cannot now be delivered in the plight they were in when taken, for they wear out by use.”<sup>1</sup>

Such has been the doctrine universally held in America, in every instance where the question has arisen, except by some few abolition fanatics, who acknowledge allegiance only to a “higher law” than the permanent law of the land.

In 1779, the Continental Congress recommended to the States to make provisions for the “*proprietors*” of negroes, and a full compensation for the “*property*,” &c. of such as were lost or killed when in the U. S. service in South Carolina and Georgia.<sup>2</sup>

The old Congress of 1782 expressly recognized the right of masters and of property in slaves, in resolving to have authentic returns of slaves and other property which the British had been carrying off during the Revolutionary War.”<sup>3</sup> In the treaty of 1783, the Revolutionary Fathers expressly stipulated against the destruction or carrying away of negroes. August 9th, 1788, Congress resolved that the Secretary for Foreign Affairs cause to be made out lists of the number, names, and owners of negroes belonging to citizens of each State, and carried away by the British, in violation of the treaty. General Washington himself earnestly demanded of Sir Guy Carleton restitution of such slave property. Mr. John Jay, of New York, in 1786, also demanded restitution for this property. So did old John Adams. The American commissioners made a bill of these negroes in the possession of the British at the close of the war. General Morris, in 1799, was pressing this claim upon the British Ministry.

<sup>1</sup> The case *vs. Pearne*, 28 Charles II. Lev. Rep. 201, is to the same point. The Court in that case held that trover would lie in England for a negro slave; that they were originally the property of a heathen prince, and lawful articles of commerce. The case of *Gelly vs. Clive*, 5 Wm. & Mary, 1 Ld. Raym.; *Smith vs. Gould*, 6 Anne, 2 Sulk. 666; and *Smith vs. Brown*, 2d Sulk., all go to establish the indefeasible right of the master to the service of his slave, as well as his right to control his person. By an Act of 9 & 10 William III. Chap. 26, negroes are spoken of as merchandize; and by an Act of 5 Geo. II., slaves in the West Indies are declared subject to seizure to pay debts.

<sup>2</sup> Secret Journal, pp. 197–8.

<sup>3</sup> State Papers, vol. i. p. 338.



When the Federal Constitution was formed, in 1787, by the then twelve slave-holding States, and Massachusetts, that Constitution, in the vein of the Declaration of Independence, starts out with the preamble, "securing the blessings of liberty to ourselves and our posterity," and yet, by the express language of that instrument, the relation of master and slave is several times recognized, as is the right of property in the master in providing for the return of fugitive slaves, and in inhibiting the prohibition of the slave-trade for twenty years. In 1793, Congress enacted a fugitive slave law,—in the Senate, unanimously; in the House, ayes forty-eight, noes seven;—such men as Fisher Ames, Elias Boudinot, of N. J., James Hillhouse, of Ct., Theodore Sedgwick, and the like, voting in the affirmative.

By the Judiciary Act of 1789, Congress recognized slaves as property. The eighty-eighth section of that act recognizes the laws of the several States as to property. Where slaves are property in the States, the Federal Courts are thus ordered to recognize them as property, and they have ever done so.<sup>1</sup>

In the direct tax of 1813, slaves were rated as property. Rufus King, of New York, voted for this act, with the right of the U. S. Collector to purchase slaves on behalf of the United States in certain cases.<sup>2</sup>

By the Treaty of Ghent, and in a subsequent Convention referring the disputed articles of that Treaty to the Emperor of Russia, one million and two hundred thousand dollars were paid to the United States slave-owners in full for slaves taken away by Great Britain, after the war of 1812. Among the ayes on this Treaty were Daggett and Dana, of Ct.; Gore, of Mass.; Hunter, of R. I.; King, of N. Y. John Quincy Adams, in his messages to Congress, in 1825 and 1826, speaks of "*the claims of our fellow-citizens to indemnity for slaves*;" it was under his auspices, as President, that the money was paid.<sup>3</sup>

So in the Judiciary; the case of the Antelope was decided by Chief-Justice Marshall upon the same doctrine so frequently held by English courts.<sup>4</sup> She was a Spanish vessel, on board of which were a certain number of African slaves; she was captured by an American Revenue Cutter and brought into Sa-

<sup>1</sup> In the cases of *Williamson vs. Daniel*, 12 Wheat., and *Skeby vs. Grey*, 11 Wheat., every member of the bench concurring, slaves were recognized as property.

<sup>2</sup> See sections 5th and 24th of said Act. Laws U. S.

<sup>3</sup> Message, Dec. 28, 1826.

<sup>4</sup> 9 Georgia Reps., same case.

vannah for adjudication. The Vice-Consuls of Spain and Portugal claimed the negroes as the property of the citizens of those nations, and they were adjudicated to them. The learned judge, in that opinion, examined the subject in a masterly manner, and affirmed the doctrine, that as those nations had not abolished the African slave-trade, the negroes were their lawful property. This case, decided on the authority of English decisions, settled the law in the United States. The same doctrine was very ably maintained in the case of *Neal vs. Farmer*, in the Supreme Court of Georgia.<sup>1</sup>

What considerations could have induced the framers of the Constitution to prohibit the enacting of any law to suppress the slave-trade prior to 1808, but that slaves were a lawful species of property, and the trade in them, lawful commerce?

In some of the early decisions of the Supreme Court of Massachusetts it was held, that slaves in that State, prior to the adoption of the State Constitution, were lawful property at common law.

In the case of the *Town of Winchendon vs. the Town of Hatfield*, Chief-Justice Parsons decided the question directly; he held the following language: "Slavery was introduced into this country soon after its first settlement, and tolerated till the ratification of the present Constitution. The slave was the property of his master, subject to his orders, and to a reasonable correction, &c.; he was transferable, like a chattel, by gift or by sale, and was assets in the hands of his administrator; the issue of a female slave also belonged to her master, according to the maxim of the civil law [*partus sequitur ventrem*]. He (the slave) could acquire no settlement except through his master."<sup>2</sup>

Again, upon the same point, in the case of *Dighton vs. Free-town*, the learned Chief-Justice remarked, that "Pomp being and continuing a slave until 1779, he was settled in the town with his master, deriving his settlement from him, as the slave was the personal property of the master, and could not be legally separated from him. Pomp was the slave of Elnathan Walker; at his death intestate; he then, as the personal estate of the deceased, became the property of Peter Walker, the administrator, and acquired the settlement through him as his new master, which was in Taunton," &c.<sup>3</sup>

<sup>1</sup> Geo. Rep., same case.

<sup>2</sup> 4th Mass. Rep., 123.

<sup>3</sup> Opera cit., see case. But behold what a change in the jurisprudence of that old and hitherto venerable State! See "Personal Liberty Bill," nullifying the Fugitive Slave Law, &c. Session Acts of Mass. Legislature,

By what State or Territorial law was a slave, then, the property of his master in Massachusetts? Or, by what statute was slavery introduced there?

It was by the force of custom and the principles of national law, as observed in the common law of England. In the same manner is slavery extended wherever it goes; it is not the creature of law and extended only by acts of legislative enactment; it is originally sanctioned by universal custom, and grows and extends itself like every other legitimate institution, *propria vigore*.

Upon what foundation, then, does the right and title of the Southern master to his slave depend? We answer: it is founded upon custom, the most potent source of law, as old, too, as the records of the human family. It rests also upon the sanction of the highest legislative and judicial authority in the world. It rests upon the same foundation that his right and title does to any other piece of property that he possesses. How else did the idea of property, and the distinctive rights of individuals arise?

A person who is a slave in any country or state, where that condition of persons exists, is also a slave, and belongs to his master, in the legal sense, wherever he may go, except in those governments where that condition is prohibited by law. It is a personal status, like that of wife, child, minor, convict, or interdicted person; that, in law, follows him wherever he may go.<sup>1</sup>

In this sense, slavery is universal, and its prohibition the exception; for it may rightfully exist everywhere, except where it has been abolished and prohibited. It is erroneously contended that slavery cannot extend beyond the territorial limits of the States in which it actually exists, for there is not a syllable of law upon the statute-book of any one of the slave States that gives the master any more right to hold the service of his slaves as property than he had before that law was passed. The law in every act presupposes the right of the master to the service of his slave the same as to that of his ox or his horse. When the Abolitionists talk about the extension of slavery, and the aggressions of the South, &c., they seem to have a very indefinite idea of the manner in which it has been done; as

1855, p. 117. Nullification! the accomplice of treason. O Tempora! O Mores! Spirit of Webster! "How art the glory departed from Israel, and the sceptre from Mount Lebanon!"

<sup>1</sup> Story's C. L., T. Personal Statutes, or condition of persons. *Saul vs. His Creditors*, 5 Mart. La. Rep., N. S. 586-596.

though it has been effected by the aid and operation of the statutes of the United States, or of the individual States. But a moment's reflection will show them that the right to hold slaves was never legislated, or asked to be legislated, into any one of the States or Territories; the absence of all legislation is the secret of its existence. Upon analogous principles of comity and constitutional law, this right, when claimed under the law of a State where it exists, should be recognized by the courts of every other State except where it may injure their own citizens, or contravene their own public policy.<sup>1</sup>

But, it is asked, what proof the Southern masters can show that his negroes are slaves? Their own pedigree makes the proof; the evidence of which is seen in the lineaments of their external features; and is so distinctly marked that it is impossible to be mistaken. Every descendant of African lineage, except the mixed-blooded to a certain degree, in all the slave States is presumed to be a slave. This arises from the fact that they are a nation of slaves at home, one-sixth owning and holding the balance of the population as property, and trafficking in them as lawful articles of merchandize. The Africans are presumed to be slaves for the same reason that helot and slave, in Sparta, were synonymous terms; and, for the same reason, that the name of the Slavonian nation came to be adopted, by abbreviation, as a general term, for persons held in bondage.<sup>2</sup>

The master is not required to trace back the pedigree of every negro to his African ancestors, and to show that they were slaves; the fact is presumed because they are a nation of slaves as the Helots were in Greece and the Slavonians in modern Europe; made so by their own customs and laws, and because none came to this country, originally, but slaves. They were bought in lawful trade; they were lawful articles of commerce; the trade was legitimate, and theft cannot be presumed. There-

<sup>1</sup> This rests upon principles of international law. *Pardess, Droit Comm.*, pt. vi. tit. 7, ch. 2, sect. 1. *Felix Droit Intern'l. Prive*, lev. 1, sect. 31. *Hub. tom. ii*, 1 tit. 3. *De Confet*, leg. sect. 12. *Wheat. El'mts Intern'l Law*, p. 122. *Story's C. L.*, sect. 106, 594. 2 *Kent. Com.*, 457, 461. *Saul vs. His Creditors*. 5 *Mart. La. Rep.*, N. S., 586, 596. *Le Breton vs. Nouchet*, 3 *Mart. La. Rep.* 60, 66, cited in *Story's C. L.*, sect. 182. *Greenwood vs. Curtis*, 6 *Mass. Rep.* 378. *Andrews vs. Pond*, 13 *Peters' Rep.* 65, 78. The right of the master to his slave in the territories is unquestionable, and can be enforced in the Federal Courts at common law. See opinion of Attorney-General Cushing, recently given upon this question. Hence the right to claim a fugitive in any one of the States is provided for by the Constitution.

<sup>2</sup> *Essay on Slavery in the New Testament*, ante, p. 125.

fore, the ancestors of the present slave population in the United States must be presumed to have been bought in a legitimate course of trade, called the Guinea traffic. At the time they were purchased it was lawful to all nations, as it now is to those who have not abolished it. Those, now in the country, have descended from them in a direct line, and have necessarily inherited their condition according to the well-known maxim of the institution, "*partus sequitur ventrem.*" Much has been said against the iniquity and injustice of this maxim. But, it will be seen, that the principle is founded on humanity; its force and necessity, in the first place, arise from the laws of propagation. What would become of the offspring if it did not follow the condition of the mother? who would nurse and rear it to an age when it could be separated from her? Indeed, the contrary would cut off all hope or prospect of increase, as it would be a direct infringement upon the right of the master to the service of his slave. It would, therefore, result not only in the extinction of African slavery, but, *pro tanto*, of the negro race.

This maxim is, therefore, one of the fundamental principles of the institution; it is as old as slavery itself; it is founded upon the same authoritative source of law, and rests upon the same legislative and judicial sanction. It makes the status of the child the same as that of the parent,<sup>1</sup> gives the master the same right to its services and imposes upon him the same obligation to nurse, feed, and clothe it in infancy, sickness, and helpless old age.

Such is the tenure by which the American master holds his slaves; and who that feels the necessity of civil government, and of the majesty of the law and of the supremacy of fixed principles of jurisprudence, who that acknowledges his allegiance to the laws and institutions of his country, who that has an American head, and an American heart in his bosom throbbing to uphold the pride and glory of the American Union, will wrest it from him by the ruthless hand of violence? *Stare decisis* is the motto of the jurist; but for the force of this maxim, amid the fierce whirlwinds of angry passions and storms of wild fanaticism that sweep over the land, we should have no assurance to-day of what the law would be to-morrow.

Human nature, in the multitude of her foibles and imperfections, has left some choice spirits fitted for the responsible

<sup>1</sup> By the laws of Greece, if either the father or mother was a slave, it tainted the status of the child. See Essay on Greek Slavery, p. 50.

position of judicial functionaries on the bench. Few there are who have worn the ermine robe with dignity and power, have stood up with the strong arm of giants to face the frowning multitude; with iron resolution and inflexible nerve, have carried it through the tumults of popular clamor and spiritual indignation, unspotted by their violence, uncontaminated by the foul breath. Such spirits dwell above the stormy atmosphere of popular turmoil and commotion, and bask in the sunlight of justice and truth in a higher and more ample field of being. Tempests may rock earth beneath, earthquakes shatter hill and mountain, angry billows dash upon the rocks at their feet, sweeping her foundations away; "sublime in their own solitude, magnificent amid the ruin, they soar above the storm like the last mountain in the deluge; the last vestige of earth's loveliness to be effaced, the last resting-place of heaven's light upon her." Such names are the just pride of any nation, the brightest jewels in her crown; they cast a lustre upon the pages of her history superior to the most gorgeous achievement of her arms. Time, whose defacing finger obliterates the fairest earthly possessions, adds new lustre to these; the mist that for a time may overshadow them, at length fades away, and they shine out in undimmed splendor to the eyes of the most distant generations. Monuments may crumble, cities go to ruin, commerce may change its channels, and laws and institutions undergo every vicissitude of form—still such names remain the birthright of a nation, a priceless inheritance that it cannot forfeit, except by such an apostasy as to render it unworthy of them.

### *Colonial Slavery in this Country.*

We have seen that negro slavery was forced upon this country during the colonial existence of the States, by the policy and power of the mother government; at first much against the will and wishes of the colonists. They were brought here principally by a company under the charter of the British Parliament, and the patronage of the crown of the United Kingdoms. The trade was upheld and defended by the best of men, and many American merchants engaged in the traffic.<sup>1</sup> The colonists entertained no qualms of conscience upon the subject,

<sup>1</sup> It is stated that Newport, R. I., first took its rise from the wealth acquired by exchanging rum for slaves; as many as forty or fifty vessels engaged annually in the traffic. Newport was not alone; other places followed the example; many of the wealthy families might trace their riches to this origin. Peterson's History of Rhode Island.

and the business soon became so lucrative that they were quite willing to adopt it as their own. They had so far identified themselves with it, that at the formation of the Union under the Confederation, every one of the thirteen was a slave-holding State, with a greater or less number of slaves.

It is an interesting source of inquiry as to what were the views and feelings of the colonists and the American people at that early date upon this subject; and what was the course of policy intended by them to be afterward pursued by the Federal government.

In the earliest glimpses of Puritan history we find that slavery and the slave-trade occupy a prominent position as subjects of legislation in the colonial State papers. Governor Winthrop, with his associates, having in his possession the colonial charter, arrived at Boston in 1630. In 1641 the people adopted a code of laws made by themselves, for their own special guidance and direction. It was drawn up by some of their most pious and practical men, after ten years' residence in their adopted country, and with the light of all the experience which they had acquired in the art of self-government. Under the head of Liberties of Foreigners and Strangers is the following article:

"There shall never be any bond slaverie, villinage, or captivitie amongst us, unless it be lawfull captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. . . This exempts none from servitude who shall be judged thereto by authoritie."

"If any man stealeth a man or mankind he shall surely be put to death."

Here we see a practical exemplification of their notions respecting personal freedom, imbibed by the high-souled and pious Governor Winthrop and his compatriots, amid the villinage and slavery in England during the reign of Elizabeth. Slavery was no new idea to the Puritans; within seven years of their landing, a fierce war broke out with the Pequods, a numerous and powerful tribe residing within the borders of Connecticut. The terrible catastrophe at Fort Mystic is well known; it is related that about seven hundred of the brave Pequods perished together. Of the captives that were taken, forty-eight of them, being women and children, were spared and brought to Boston, the men having been put to death. These captives were disposed of through the country among the inhabitants. Some of them ran away, but were taken and brought back by the neighboring Indians; "and these," says Winthrop, "we branded on the shoulder." Of another lot of

prisoners taken in the same war, Winthrop says, "the women and children were divided, and some sent to Connecticut and some to Massachusetts. We sent fifteen boys and two women to Bermuda, by Captain Pierce, but he missing it carried them to Providence Isle." As early as 1630 there were several negro slaves in the Massachusetts Colony. When Governor Winthrop landed in the bay, he found Samuel Maverick already settled on Noddle's Island; and as early as 1639 he was the owner of sundry negro slaves of both sexes. "He," says a late writer, "was not a Puritan, but strong for the worldly and practical power. This gave him no hold on the sympathies of those about him. Nevertheless he was not molested."

In 1643 the first union of the colonies was formed; Massachusetts Bay, Plymouth, New Haven, and Connecticut, entered into articles of agreement and confederation. Rhode Island and the eastern settlements were excluded on account of the laxity in their religious opinions. After enumerating several articles of agreement they say, . . . "and according to the different charges of each jurisdiction and plantation, the whole advantage of the war (if it please God to bless their endeavors), whether it be in lands, goods, or PERSONS, shall be proportionally divided among the said confederates."

In 1676 was witnessed the closing of Philip's War. In disposing of the captives, which was an affair of State, a great many of the chiefs were executed at Boston and Plymouth, and most of the rest were sold, and shipped for the Bermudas and other parts.

In the same year Major Waldron, at Cacheco, in concert with some Massachusetts forces, under Captains Syll and Hawthorn, succeeded by stratagem in capturing, in a time of peace, about two hundred Indians who had taken sides with Philip in the late war. They were sent to Boston. Seven or eight, who were known to have killed Englishmen, were condemned and hung, the rest were sold into slavery in foreign parts. Mather relates the exploit with great satisfaction. Slavery continued to flourish in New England, and negroes were gradually introduced. Josselyn, who spent ten years in the country (from 1663 to 1673), says, in relation to the people of Boston: "They have great stores of children, and are well accommodated with servants; some of these are English and some are negroes."

It is estimated that, in 1680, there were in Massachusetts from one hundred to one hundred and twenty negro slaves; in the same year there were in Connecticut thirty-seven. It is said that but few blacks were at this time imported into Rhode



Island, though afterwards it became the great New England emporium for negro slaves.

Another provision in the Articles of Confederation, above referred to, was as follows :—

“It is also agreed, that if any servant run away from his master into any of these confederate jurisdictions, that in such case, upon certificate of one magistrate in the jurisdiction out of which said servant fled, or upon any other due proof, the said servant shall be delivered either to his master, or any other person that pursues and brings such certificate or proof.”

Here commences the history of fugitive slave legislation in America—and what a commentary does it furnish upon the subsequent conduct, upon this subject, of the boasted descendants of the Puritans in the Free States!

“Slaves,” says Mr. Coffin, in his history of Newbury, “though not numerous in Massachusetts, were, notwithstanding the law, introduced without difficulty, and bought and sold without scruple, by all classes of people.

Dr. Belknap, who was an ardent Whig of the Revolution, writing from Boston, in 1775, to Judge Tucker, of Virginia, in answer to sundry inquiries of the latter relative to slavery and its abolition in Massachusetts, says :—

“By inquiries of our oldest merchants now living, I cannot find that more than three ships a year, belonging to this port, were ever employed in the African trade. . . . The slaves purchased in Africa were chiefly sold in the West Indies or in the *Southern Colonies*; but when those markets were glutted, and the price low, some of them were brought hither. . . . I remember one [ship load] between thirty and forty years ago, which consisted almost wholly of children.”

There had been yet no display of public sentiment against slavery, and the possession and selling of slaves, acquired in the lawful course of trade. On the contrary, it was practised and approved by the best men of the age. Cotton Mather, in 1706, speaks of a great blessing that had been conferred upon him in the gift, by a friend, of a valuable negro slave. The reputation for piety, learning and usefulness, of this distinguished divine, is well known. The celebrated Jonathan Edwards was born in 1703; he left behind one of his master-pieces of logic, dedicated to the defence of the slave trade. The Rev. Dr. Stiles, who was President of Yale College, was a settled minister in Newport, Rhode Island, when the revolutionary war broke out. During his residence there, being in want of a servant, he sent a barrel of rum by a slave-ship to

the coast of Africa, to be exchanged for a negro boy, and one was actually procured and brought home to him.

It appears, also, by the statement of Mr. Jefferson, that at the time of presenting the Declaration of Independence, there were members of the Congress engaged in the Guinea trade, out of regard to whose feelings certain expressions in the original draft of that document were stricken out. The prevailing sentiment of the better classes of society in New England was in favor of the institution.

Whence, then, came the first voice of abolition and remonstrance? As we have before said, it had its origin in fanaticism; it originated in the same elements, and was cast in the same mould with Salem witchcraft. Let us appeal, for our proof, again to the celebrated letter of Dr. Belknap. With all his knowledge of men and things, as they existed a century ago, and with all his extensive and critical researches into colonial antiquities, he was able to name but one person who publicly protested against it.<sup>1</sup> And who was that? Oh ye abo-

<sup>1</sup> Mr. Coffin, in his History of Newbury, mentions one other person who bore public testimony against the practice: Elihu Coleman, of Nantucket. Dr. Belknap's correspondence with Judge Tucker is published in the 4th vol. of the Col. Mass. Hist. Soc. The slave-trade, in both negroes and Indians, was as common in the Colonies as at present in the Slave States. In 1708, Thomas Steel sells to John Farnum, of Boston, for thirty-five pounds (\$175), an Indian boy, called Harry, imported from the province of South Carolina. In 1725, Theophilus Cotton, of Hampton, deeds to Jonathan Poor, of Newbury, "all my right to the Indian boy Sappai, aged 16 years." In 1646, Wm. Hilton, of Newbury, sells to Geo. Carr, for one quarter of a vessel, "James, my Indian, with all the interest I have in him, to be his servant for ever" (Scripture language). Earlier still, Governor Winthrop wills to his son Adam the island called Governor's Garden, and his Indians there, ("to take for an inheritance for his children, and to be his servants for ever.") Read the following list of advertisements, showing the fashions a century and more ago:—

"This day ran away from John McComb, Jr., an Indian woman, aged about 17 years, of a middle stature, having on her drугet waistcoat, and kersey petticoats of a light color. If any person shall bring the said girl to her said master, he shall be rewarded for his trouble to his content."—*American Weekly Mercury*, May 27th, 1720.

"A servant maid, time four years, to be sold by John Copson."—*Am. Weekly Mercury*, June 2d, 1724.

"A very likely negro woman to be sold, aged about 28 years, fit for country or city business; she can card, spin, knit, milk, and every other country work. Whoever has a mind for said negro may repair to Andrew Bradford, in Philadelphia."—*Ibid*, June 2d, 1724.

"A young negro woman to be sold by Samuel Kirk, in Second street, Philadelphia."—*Ibid*.

"To be sold, a very likely negro woman, fit for all manner of house-

lition fire-eaters, conscience-smitten hypocrites, impostors, disunionists, traitors, and children of the devil! hide your faces in shame, when he answers that it was none other than Samuel

work, as washing, starching, ironing," &c. "Inquire of Andrew Bradford."—*Ibid.*

"A negro child of extraordinary good breeding to be GIVEN AWAY. Inquire of Edwards & Gill."—*Boston Gazette*, Feb. 25th, 1765.

"To be sold, FOR WANT OF EMPLOY, a likely negro fellow, about 25 years of age; he is an extraordinary good cook, and understands setting and waiting on a table; likewise all kinds of house-work. Also, a negro wench, his wife, about 17 years of age, born in the city. For particulars inquire at this office."—*New York Gazette*, March 21st, 1765.

"To be sold, a hearty, strong negro wench, fit for all kinds of work. For particulars inquire," &c.—*Penn. Journal*, Sept. 4th, 1765.

No wonder slavery died out in New England and the other Free States. Read the following inventory of prices. Suppose these slaves had been worth from one thousand to fifteen hundred dollars each, as they now are in the Slave States. Slavery was never abolished in the Free States; it died a natural death, and they would now make a virtue of necessity.

"PRICE OF NEGROES.—The Homestead, published at Hartford, Conn., has lately published an old document, which gives the price of farm stock and negroes in that State, over 100 years ago. All the old thirteen States, it will be remembered, were slave-holding until since the Revolution. The document in question is an inventory of the estate of Capt. Thomas Wheeler, one of the richest men of his day, his estate being valued at over \$40,000. To show the great difference in the prices then and now, we give the price of the slaves as found in the inventory, dated December 11, 1755:—

"One negro man named Quash, \$8.34; negro woman named Juno, \$2.75; negro woman named Cab, \$139.06; negro man named Cezar, \$127.34; negro man named Cipeo, \$152.78; negro woman named Hager, \$125; negro woman named Flora, \$105.50; negro woman named Sarah, \$133.34; negro woman named Jane, \$125; negro woman named Cloe, \$125; negro boy named Pharo, \$24; negro girl named Phillis, \$50; servant mulatto boy Harry, \$27.79; servant Indian woman Mary, \$5.55."

"Ran away from Jacob Powers, Esq., on the 29th ult., a negro boy, about 18 years old; was born in Hopkinton, and brought up by the Rev. Mr. BARRET; his name is Ishmael; he has been a soldier at the lake, is thick set, has thick lips, and goes limping by reason of a toe of his having been frosted, and is not yet well. He had on when he went away a shepherd jacket, leather breeches, checked woollen shirt, blue under-jacket, light colored stockings, brass buckles in his shoes, and an old military cap. He is an artful fellow, and will pass himself for a soldier, as he has carried off his firelock and blanket. Whoever will take up the said negro and bring him to his said master, or confine him in any one of his majesty's jails, so that his master may get him, shall receive FOUR DOLLARS REWARD and all charges paid."—*Marblehead, Mass.*, Apr. 2d, 1765.

"Francis Lewis has for sale a choice parcel of Muscovado and powdered sugars, in hogheads, tierces and barrels, and a negro woman and boy."—*New York Gazette*, Apr. 25th, 1765.

"Seventy Gold Coast slaves, of various ages and both sexes, to be sold

Sewell, one of the judges who occupied the bench during the trial of the Salem witches, and with whose concurrence nineteen innocent persons were hanged, and one, for refusing to plead, pressed to death!

It is sometimes erroneously asserted that the abolition cause originated among the Quakers; that they were, as a denomination, from the time of their settlement in this country under Penn, opposed to slavery. But this, even if true, would only prove that among the many wild and visionary theories which distinguished them as a sect, they adopted that of abolition. But it is not true. Opposition to slavery sprang up among them at a comparatively recent date. William Penn lived and died a slave-owner. Says Mr. Matlack, an aged Friend:—

"The practice of slave-keeping in Pennsylvania and New Jersey commenced with the first settlement of the Province, and certainly was countenanced by William Penn. . . . Penn left a family of slaves behind him. . . . Slave-keeping, of course, became general among the Friends."<sup>1</sup>

Says Mr. Graham: "Negro slavery lingered along in the settlements of the Puritans in New England, and of the Quakers in New Jersey and Pennsylvania, although in none of these States did the climate or soil, or its appropriate culture, suggest the same temptations to its inhumanity which presented themselves in the southern quarter of America. Las Casas first suggested its introduction into Mexico and Peru; George Fox, the most intrepid and enthusiastic of reformers, demanded no more of his followers than a mitigation of its rigors in Barbadoes; and the illustrious philosopher, John Locke, renowned as a champion of religious and political freedom, introduced an express sanction of it into the fundamental Constitution of South Carolina."<sup>2</sup>

The clause in the Constitution of Mr. Locke for South Carolina, reads as follows:—

on board ship, at Plumstead's Wharf, by Willing & Morris."—*Penn. Journal*, Aug. 18th, 1765.

"To be sold, a negro man that understands cooking, house-work, &c.; also a grown negro girl; both have had the small-pox."—*Mass. Gazette*, Aug. 29th, 1769.

See, also, copy of a deed of sale from Mrs. Elizabeth Treat to Mr. Samuel Brooks, of Boston, of a negro man named Harry, for the sum of twenty-five pounds (\$125), in 1770. Historical and literary curiosities, Boston Genealogical Library.

<sup>1</sup> Letter of T. Matlack to William Findley, Hist. Coll.

<sup>2</sup> Graham's Colonial History.

"Every freeman shall have absolute power and authority over his negro slaves, of what opinion or religion soever."

Abolition, then, did not take its rise in the patriotism, learning or religion of the past. No; it was the offspring of bigotry and intolerance, and lives and has its being in injustice and persecution. It is enough that Sewell was the father of the creed.<sup>1</sup>

From the foregoing facts (gathered from various sources of Colonial antiquities) we may infer what was the state of feeling among the leading men of the nation upon the subject of slavery and the slave-trade, at the time of the formation of the Federal Government, and what course of national policy they would desire to adopt with regard to the same. Already, in their early Colonial Confederation, had they provided for the restitution of fugitive slaves. But there was yet no free territory in which they could take refuge. If such a provision was necessary while there was yet no place of refuge, much more would it be when they came to have a long coast adjacent to them in which it had been prohibited by law. Consequently we find a strenuous opposition to the passage of the Ordinance of 1787 for the government of the North-West Territory, in which it was proposed to prohibit slavery. History informs us that this proviso was, after being thrice defeated, smuggled into the bill by Northern votes, after the old Congress had become but a ghost of its former power. Nathan Dane was the last mover of the proviso as it was finally adopted. It was at first proposed by Mr. Jefferson in 1785, while the Southern States were fully represented, and this proviso was stricken out, every Southern State voting against it, and every Southern delegate except Mr. Jefferson. It was revived again the following year by Rufus King, also of Massachusetts, but no final action appears to have been had upon it. And Nathan Dane, in 1787, again brought up the subject; it was at first agreed to strike out the proviso, but, on a reconsideration, it was adopted in its present form; but not even then till the abettors of the Act had so far compromised with its opponents as to provide, in the same Act, for the restitution of fugitive slaves that might escape into the territory.<sup>2</sup>

The Convention had been assembled about three months at

<sup>1</sup> By these Abolitionists are meant those fanatics who make it a matter of conscience to avoid the law, and to adopt a political, moral and religious hobby.

<sup>2</sup> But how have they kept the compact in the State of Ohio? See speech of Mr. Calhoun on the Oregon bill, 1848.

Philadelphia when this Ordinance was finally passed; all the leading men of the nation, such as Hamilton, Madison, et genus omne, had left to occupy their seats in the Convention. The old hall at Annapolis was left forsaken and desolate; the old obsolete Congress, with scarce a corporal's guard left, eighteen members only remaining, the refuse delegation of eight only of the thirteen States. It was well known that all the great and leading features of the present Constitution had been formed and agreed upon in the Convention; they had been publicly discussed and commented upon throughout the country. The federal basis of representation, which so much excited the fears and dread of the North, was one; the perpetuity of the slave-trade till 1808 was another. It was under such circumstances that the old defunct Congress, gasping in the struggles of approaching dissolution, with just strength enough to invite the agonies of death, by the craft of Nathan Dane and the abolition confederates who were left, adopted this ungrateful and perfidious Act.

It was thus smuggled upon the statute-book, to the great injury and injustice of the Southern States, particularly Virginia. It was passed, said Mr. Calhoun, without the legitimate number of States requisite, under the Articles of Confederation, to pass such an Act: it was declared by Mr. Madison to be void of constitutional authority.

The nation was then struggling with poverty, with a bankrupt treasury and broken-down credit; overwhelmed with the debt of the war. Virginia, North and South Carolina, and Georgia nobly came to the rescue; Virginia alone ceded to the United States an extent of public domain more than twice the amount of the whole territorial limits of the Government at that time, out of which to pay the national debt and replenish the treasury. But what gratitude did she receive in return, but this proscriptive Act over the very territory which she had so munificently ceded away? — an Act that precluded all her own citizens from entering upon the soil of this vast territory, without foregoing the right and privilege of taking their own property with them. What compensation has ever been given to the citizens of the Slave States for being peremptorily denied the privilege, in common with the citizens of the several States, of emigrating with their property to this territory, while it was the common property of the Union? Will it be said that this ordinance provided for the return of fugitive slaves? But by whom has that compact been violated? How many of the Free States have adhered to this promise,

either in the ordinance of 1787 or as provided by the Constitution of the United States? Again, in 1788, the subject of the fugitive slave law was brought before Congress: there seemed to be a plain and manifest disposition on the part of all the leading men of the nation, at that time, to protect this species of property from being lost by escape, whenever there was danger. The subject came up before Congress in the following manner:

“On the report of a committee consisting of Mr. Hamilton, Mr. Sedgwick, and Mr. Madison, to whom was referred a report of the Secretary for the Department of Foreign Affairs, of the 1st inst., Resolved, that the Secretary of the Department of Foreign Affairs be directed to transmit copies of the papers referred to in his said report, to the *Chargé d’Affaires* of the United States at Madrid, and instruct him to represent to his Catholic Majesty the inconvenience which the States bordering on his dominions experience from the asylum there afforded to the fugitive negroes belonging to the citizens of those States; and that Congress have full confidence that orders will be forthwith given to his governors, to permit and facilitate their being apprehended and delivered to persons authorized to receive them; assuring his Majesty that the said States will assure the like conduct respecting all such negroes belonging to his subjects as may be found therein. Resolved, further, that the said Secretary be instructed to communicate the said papers to the *Encargado de Negocios* of Spain, and to signify to him that his interposition to obtain proper regulations upon this subject, would be very agreeable to Congress. Aug. 26, 1788.”<sup>1</sup>

Thus did Mr. Hamilton and Mr. Madison labor in concert to secure protection to the slave-holder: they had the territorial compact on the North—they sought to negotiate this treaty with Spain on the South: they would leave no place of refuge unguarded, no asylum where the fugitives could not be reached. The same provision had already been inserted in the Constitution of the United States, to operate as a compact among the States. The influence and instrumentality of Mr. Hamilton and Mr. Madison, in originating, completing, and finally carrying the several provisions of that instrument, in the Convention and with the States, no one will pretend to dispute. What, then, was the sentiment that pervaded the Convention and the States upon this subject, at that time?

<sup>1</sup> Works of Alexander Hamilton, vol. ii. p. 472.

If there was such a spirit of hostility to the institution entertained by the Fathers of the Republic as is pretended, how came they to assent to the continuance of the African slave-trade for nearly twenty years after the formation of the Constitution? At the first Congress under the Federal Constitution, in 1790, petitions were presented by some of the Quakers of Pennsylvania, for the interference of Congress with slavery: they were referred to a committee of all northern men, who reported unfavorably upon them; and it was resolved, that Congress could not prohibit the importation of slaves prior to 1808, nor interfere with slavery in the States.<sup>1</sup>

We have seen something of the spirit of English jurisprudence relating to this species of property. Says Chief-Justice Marshall: "When our forefathers emigrated to this country, they brought with them the common law." It pervaded every portion of the social and political fabric, and filled up every interstice in the whole system: it was the first breath that gave life to the Republic—the soul that first inhabited the body politic. Jurists and statesmen breathed its elements and toiled in its spirit. Whence came the evil genius, then, among the framers of the Constitution and early national legislators, to circumvent and paralyze the institution of slavery? What could have moved them to labor to break down this system—to wantonly destroy three hundred and fifty millions of private property, and leave the country to bewail its own desolation, and the people to weep over their blighted prospects? Were such the boasted sentiments, the high-toned patriotism of the age, that the thirteen original States (which were then all slave-holding States) should enter into a solemn confederation, and give their sanction and plighted faith to the stipulations of the civil compact; that the people should afterwards ratify and confirm the provisions of a Constitution the avowed spirit and object of which was to cripple and prostrate the domestic institutions of these several States? Why, then, was the slave-trade permitted for twenty years? Why did Hamilton and Madison, and the great men of the age, strive to throw up, as it were, a national bulwark, upon the northern and southern frontier of the slave States, to prevent the loss of fugitives by escaping into territory beyond their jurisdiction? We are

<sup>1</sup> See Webster's Reply to Hayne. See also the several Acts of Congress, and opinions of the Fathers of the Republic, enumerated above, on pages 325 et seq.: they illustrate the views and feelings of the statesmen of that age upon the subject. They never refused to recognize the rights of the South to their fullest extent.



often referred to the ordinance of 1787, as an index of the spirit of the age. Of what authority was this ordinance, passed under the circumstances that it was, and what have been its practical effects? In accordance with the opinion of Mr. Madison, it has been totally disregarded, even by some of the States and territories formed out of the North-west Territory. When Illinois was organized into a territorial government, it established and protected slavery, and maintained it in spite of the ordinance and in defiance of its express prohibitions. In the constitution of Illinois, with which that State was admitted into the Union, it was provided that all slaves then in the State should remain slaves for life; that all persons born of slave parents, after a certain day, should be free at a certain age; and that all persons born in the State, after a certain other day, should be free from their birth. Thus, this State Constitution, as well as the territorial law, repudiated this Wilmot Proviso in the ordinance of 1787—the one receiving the direct and the other the indirect sanction of Congress.<sup>1</sup> And thus the General Government, to say the least, has been accessory to these acts of repudiation. Congress have also repudiated this proviso in the ordinance in every instance when they have directly legislated upon the subject, since the adoption of the Constitution of the United States, except in the case of Oregon.

Now, if it was the intended policy of the framers of the Constitution and the early legislators of the nation, to carry out what are called free-soil principles, to prohibit the extension of slavery into the territories ceded to the Union for the purpose of being organized into new States, as is asserted by the abolitionists, why was such not the practice in the early history of the Government? If Congress intended really to prohibit slavery in the territory north and west of the Ohio river, how was it on the south? why did they repudiate this proviso there?

In organizing the territorial government of Mississippi, in 1798, the ordinance of 1787 was expressly applied to it, with the exception of Article 6th, that prohibited the introduction of slavery: that was omitted.<sup>2</sup>

<sup>1</sup> Illinois, in 1818, when admitted into the Union, had 1000 slaves: Indiana also had a number. See Census U. S. 1850, p. ix.

<sup>2</sup> Justice Curtis, in his dissenting opinion in the Dred Scott case, has instanced this and similar acts as an indirect interference with slavery in the territories; but no, they leave it as they find it. 19 House Rep. p. 619. If Congress, by simply extending the ordinance of 1787 over cer-

Here, then, is an act of Congress—under Washington and the early presidents, during the infancy of the Republic, and under the administration of the elder Adams—showing that, in the Southern territories, or those south of the Ohio River, ceded to the Union by Virginia, North Carolina, South Carolina, and Georgia, the right to hold slaves was clearly implied and recognized. It will be seen, also, by looking into the territorial bill of 1805, establishing the government of the territory of Orleans, embracing the same section of country now known as the State of Louisiana, that this celebrated ordinance was expressly extended to that territory, excepting the 6th section, relating to the prohibition of slavery, which was again omitted. And when Congress came to form a government for the remainder of the Louisiana purchase, subsequently known as the Missouri Territory, north of the 33d parallel, they did not extend this ordinance to it at all. The people were, at first, to be governed by laws made by their governors and judges, and when the territorial government was finally organized by Congress in 1812, the people were left to do as they pleased upon the subject of slavery, when they formed their State constitutions. Illinois and Indiana, as we have seen, also repudiated the anti-slavery proviso in this ordinance, on the ground probably taken by Mr. Madison, that it was of no constitutional authority, and it is asserted there were some slaves also in Ohio. The Territory of Iowa was formed from that of Wisconsin, which was taken from the old Michigan Territory, or part of the Virginia cession. Congress, in forming the government of Iowa, did not legislate upon the subject of slavery; here, again, was omitted the anti-slavery proviso of the Ordinance of 1787. Though the ordinance was carried into effect there, yet the very clause that transfers it, also makes it subject to be altered, modified, or repealed by the Territorial Legislature; leaving the people free to act upon the subject of slavery, subject only to the Constitution and laws of the United States. The Oregon Bill is also referred to as an evidence of the anti-slavery policy of the Federal Government. But here, unfortunately for this position, the people, in their sovereign capacity, had anticipated any action of the General Government upon this subject. They had lived twelve years without

tain territories, without omission, intended positively to re-enact and enforce the anti-proviso in the same, how could it consistently approve of the Constitutions of Indiana and Illinois, which repudiated it? These acts only show that the effect of this ordinance was left to be determined, under the Constitution, by the judiciary, not by the legislatures.

any act of Congress to give them a government, or protection ; in the mean time, they organized one of their own ; and, by virtue of their own laws, passed by their own representatives, before the United States extended its jurisdiction over them, they prohibited slavery by a unanimous vote, right or wrong.

It is true, the northern members of Congress, through their zeal for the triumph of certain free-soil tenets, partially re-enacted this law by the passage of the Oregon Bill ; but for what practical purpose no one can tell ; it was like the re-enacting a law of Nature ; as well might they have provided in this factions bill that the sun shall continue to rise and set in Oregon, and that no tropical fruits shall be cultivated there.<sup>1</sup> But this was the first and only triumph of the proscriptive policy of their Abolition agitators, and God grant that it may be the last. How was it in California ? The people were left to act upon the true principles of self-government, and they coolly and dispassionately decided to prohibit slavery. In Utah, New Mexico, and Nebraska, the people have been also left free to adopt or reject the institution in the State constitutions when formed, as their feelings and best interests may dictate, without congressional interference.

The first departure from the true line of policy, intended by the framers of the Constitution, was, in the interference of Congress with the subject of slavery by the act known as the Missouri Compromise. The application of that State for admission into the Union was with a true republican form, and upon strict principles of constitutional self-government. But the spirit of faction and dissension raged to such an alarming extent at that period, that it was in vain to appeal to paper compacts, or political obligations, to control it ; men's prejudices had become so strong, their zeal and enthusiasm so overheated and violent in the din of conflict and the strife of angry and jarring passions, that the foundations of the political fabric were fast breaking away, and the whole system was likely to be precipitated into anarchy and civil commotion, or resolved, perhaps, into its original elements : the embankments had fairly given way ; the current was sweeping with terrible impetuosity through the crevasse, threatening to deluge the face of the nation with its frightful flood. At this critical juncture, some scheme must be devised to check the headlong and wreckless career of poli-

<sup>1</sup> The tempestuous and angry debate upon this party strife for supremacy, was a waste of the public fund. The Supreme Court of the United States have recently decided in the Dred Scott Case that Congress has no power to exclude slavery from the territories : hence this Oregon Bill is so far unconstitutional.

tical fanaticism. The occasion called for the exercise of tact and temporizing policy, equal to that of the most critical military juncture upon the field of battle. Under this species of duress, to save the nation, the States, and the people from the impending catastrophe of a revolutionary dissolution of the Union, it was reluctantly conceded that the parallel of  $36^{\circ} 30'$  should be the dividing line between slave and free territory in the Louisiana purchase. But this was not acquiesced in upon constitutional principles, and as a matter of right, but merely adopted as a temporizing expedient, as the least of two evils. Can it be supposed that it was the intention of Mr. Jefferson, when he paid fifteen millions of the people's money for this lovely tract of country, that the Southern States should be excluded from so large a portion? After speaking of his quiet repose from public labors, he says of the Missouri question: "This momentous question, like a fire-bell in the night, awakened me and filled me with terror; I considered it at once the knell of the Union. It is, indeed, hushed for a moment, but this is a reprieve, not a final sentence. A geographical line coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper."

Again, he says, speaking of the Spanish Treaty, and some other topics of the day: "These are all small waves that will pass under the ship; but the Missouri question is a breaker on which we lose the Missouri country by revolt, and what more God only knows."

That this restriction upon the admission of Missouri into the Union was unjust and in violation of the spirit of the Constitution, and was so considered, but adopted as a temporary expedient, appears from the opinions of the ablest constitutional lawyers of that day.

Says Mr. Monroe: "My decided opinion is, that all the States composing our Union, new as well as old, must have equal rights, ceding to the General Government an equal share of power, and retaining to themselves the like, that they cannot be incorporated into the Union on different principles or conditions. Should a bill pass admitting Missouri, subject to restraint, I shall have no difficulty in the course to be pursued; nor shall I, in any future case, respecting the admission of any new State as to its rights as a State."<sup>1</sup>

<sup>1</sup> See Mr. Monroe's Letter to Judge Roane, of Va., dated Washington, Feb. 16th, 1820.

And, accordingly, after the passage of the Missouri bill, President Monroe prepared the draft of a veto message, from which is quoted the following extract :—

“ Having fully considered the bill, entitled, &c., and disapproving of it, I now return it, &c. \* \* The Constitution, in providing that new States may be admitted into the Union as is done in the third section of the fourth article, intended that they should be admitted with all the rights and immunities of the original States—retaining, like them, all their powers as to their local government, and ceding to the United States, in the General Government, all the powers ceded to it by the Constitution.

“ That if conditions of a character, not applicable to the original States, should be imposed on new States, an inequality would be imposed or created lessening, in a degree, the right of State sovereignty, which would be always degrading to such new States, and which, operating as a condition of its admission, its incorporation would be incomplete, and would also be annulled, and such new State severed from the Union, should it afterwards assume equality, and exercise that right of sovereignty acknowledged to belong to the original States.”<sup>1</sup>

Mr. Monroe applies the same objections to the interference of Congress with slavery in the territories. He says it is designed to act as a restraint upon the future policy of the new States to be formed out of those territories, calculated directly to injure many of the States in interests recognized and protected by the Constitution and in direct violation of the spirit of that instrument.

No one but a bigot can fail to see the truth of this demonstration, no one but a fanatic can fail to acknowledge its political force.<sup>2</sup> Says Mr. Pinckney of South Carolina :

“ I cannot on any grounds think of agreeing to a compromise on this subject. However we may all wish to see Missouri admitted as she ought, on equal terms with the other States, that is a very unimportant object to her compared with keeping the Constitution inviolable, with keeping the hands of Congress

<sup>1</sup> See Speech of Mr. Keitt, of S. C., on Nebraska Bill, March 30, 1854.

<sup>2</sup> The recent decision of the Supreme Court of the United States, in the Dred Scott case, has affirmed this doctrine to its fullest extent: the Court held in that case that the Missouri restriction was a violation of the Constitution of the United States, and that a negro is not a citizen of the United States in the meaning of the Constitution; that ours is a government for the white man; and that African slaves are property. This opinion of the Court should be read by every one.

from touching the subject of slavery. On the subject of the Constitution, no compromise should ever be made—neither can any be made on the national faith, so seriously involved in the treaty which gives to Louisiana, to every part of it, a right to be incorporated into the Union on equal terms with the other States.”<sup>1</sup>

But why then did President Monroe finally give his assent to the Missouri restriction? He was driven to it as a temporary expedient to save the Union, but such an acquiescence is no acknowledgment of the right. He says, in the same letter to Judge Roane:

“As to the part which I may act in all circumstances in which I may be placed (in relation to the Missouri restriction), I have not made up my mind, nor shall I, till the period arrives for me to act, then I shall weigh well the injunctions of the Constitution, which, according to my understanding of them, will be conclusive with me. The next consideration with me will be *the preservation of the Union.*”

Mr. Calhoun in a speech in the United States Senate, in 1847, reiterated this same sentiment; he says, “Sir, let me say a word on the Compromise line; *I have always considered it a great error*—highly injurious to the South, because it surrendered, for mere temporary purposes, those high principles of the Constitution on which I think we ought to stand. I am against any compromise line, yet I would have been willing to acquiesce in a continuation of the Missouri Compromise in order to preserve the peace of the country.”

But Mr. Jefferson was mistaken in his prophecy, when he said, “Every new irritation would serve to mark it deeper and deeper.” He could not foresee the point to which the mad career of Abolition phrenzy would drive its devotees. When the subject came up again, in relation to the section of country between the Rio Del Norte and the Pacific Ocean, acquired from Mexico, the total abrogation of this compromise was the watchword of the Abolitionists. The principle of this pretended mutual concession, and in fact the division line itself, instead of being marked deeper and deeper, as the true and real division line between the conflicting elements that raged on either side, had become totally obliterated from the memory of the free-soil party.

Immediately after the acquisition of this vast extent of

<sup>1</sup> See Speech of Mr. Keitt, of South Carolina, March 30, 1854, in House of Representatives.

Mexican territory, the Senate, on motion of Mr. Douglas of Illinois, voted into a bill, a provision to extend the Missouri Compromise line indefinitely westward to the Pacific Ocean, in the same sense and with the same understanding with which it was originally adopted; but when this resolution was submitted to the House, it was voted down by free-soil votes. Here, certainly, the prophecy of Mr. Jefferson did not prove true. In the annexation of Texas, in 1845, this line had been still extended through that territory to the Rio Del Norte; but here, for the first time since its adoption, had it been disregarded by Congress; here, for the first time, had it been openly abjured and abandoned by even the Abolitionists. In the height of their zeal, in an evil hour, they resolved that the Slave States henceforth should possess no right, title, or interest in, and to, the common territory of the Union, and that their citizens should be excluded from the same. Not content with our coat, they went upon the literal Scripture principle that we ought to give them our cloak also. But, unfortunately for them, they overreached the mark — in chasing the shadow they lost the substance. Says Mr. Douglas: "By whom was the Missouri Compromise defeated in 1848? By Northern votes with free-soil proclivities. It was this defeat of the Missouri Compromise that re-opened the slavery agitation in all its fury, it was this defeat of the Missouri Compromise that gave rise to the tremendous struggle in 1850. It was this defeat of the Missouri Compromise that gave rise to the necessity of the compromise in 1850.

"Had we been faithful to the Missouri Compromise in 1848, the question would never have arisen (in organizing the government of Kansas and Nebraska), who was it that was faithless? I undertake to say that it was the very men who now insist that the Missouri Compromise was a solemn compact that should never have been departed from. Every man who is now assailing the principles of the bill under consideration (the Nebraska bill), so far as I am informed, opposed the Missouri Compromise in 1848. The very men who now arraign me for a departure from that Compromise, are the men who successfully violated and repudiated it in 1848, and caused it to be superseded by the Compromise of 1850. . . . Then, sir, as I before remarked, the defeat of the Missouri Compromise of 1848, having given rise to the necessity for the establishment of a new one in 1850, let us see what that compromise was. The leading feature of the Compromise of 1850 was Congressional non-interference as to slavery in the territories,

that the people of the territories, and of all the States, were to be allowed to do as they pleased upon the subject of slavery, subject only to the Constitution and laws of the United States."

Thus has Mr. Jefferson's prophecy proved as false as the theory on which it was based. Instead of "*every irritation's marking it deeper and deeper*," it has had a tendency to obliterate it. He overlooked the great principle of popular governments, that when an ascendant faction once depart from the just and true line of policy, they are never satisfied with their aggressions, and every new agitation is not to keep what they have got but to get something more, till the wrong becomes so apparent, and the outrage so flagrant, as to produce a reaction; then the people seize upon the occasion to right themselves, by their virtue and intelligence to return to the path of rectitude, by their capacity for self-government to correct popular error, to bring back the laws and institutions of the country to their correct and legitimate position. It is this salvo of popular power and policy that has corrected the error of Congressional interference upon the subject of slavery.

But let us inquire what would have been the present condition of the country had that course of policy been pursued from the formation of the government, which is contended for by the free-soil party of the present day. There were at the adoption of the Constitution, about seven hundred thousand slaves found in greater or less numbers in every one of the thirteen original States. At a reasonable estimate this amount of taxable property could not have been estimated at less than three hundred millions of dollars. For the loss of such an amount of private property, the nation, bankrupt as it was from the heavy debt of the war, was totally unable to make any compensation, had it been disposed to do away with the institution. Its existence must therefore be tolerated, and this vast amount of property recognized and protected by the Constitution. It is a well-established principle in politics as well as civil jurisprudence, that the Constitution and law of the land recognize no evasion of their own provisions; "*the law permits nothing to be done indirectly that cannot be done directly*." Suppose, then, the government of the United States had attempted at the outset to limit the territorial extent of slavery to the thirteen original States; that from all new territory that might thereafter be acquired in any manner by the United States, slavery should be excluded; what would have been the effect of such a prohibition upon the increase and future prospects of this vast



amount of property, within the pale of the Constitution and of the States in which this species of property still exists? The slave population throughout the United States at the present day cannot number less than four millions of persons; figures would fail to give any adequate idea of the real value of this mass of property. But instead of being restricted, as it would have been under the free-soil policy, to the six original States, where it is still retained, it is spread over the face of nine more of the most luxuriant and productive States that have since been admitted into the Union. Instead of the present prosperous and thriving condition of all the Slave States, instead of the four millions of the present comparatively happy and contented slave population in all these States; under this proscriptive policy, it requires no stretch of imagination to see what would have been the mournful history of both the master and the slave.

The rigor of the climate and the character of the soil in the Eastern and Middle States could not foster the institution: it would, as is evident, necessarily die out there, like plants transplanted from a warmer to a colder region, uncongenial to their nature. The constant tendency of the negro race in those States is to become extinct, as we see by the different censuses taken of the inhabitants. The six Southern States then would have been left with the whole burden of the present four millions of slaves and free black population, instead of being distributed as they now are over the vast territory of the entire Slave States. Under this prohibitory policy these old Slave States would have been overwhelmed with a slave population, with no outlet, no means of selling or disposing of them, that would ultimately have destroyed this species of property as such. Such an undermining course of policy would have cut off all prospects of the present wealthy and flourishing condition of the Southern States. It is conceded by all acquainted with the South, that no system of free labor could, in the same time, have pushed the conquests of civilization so far through the then sultry and epidemic regions along upon the Gulf coast and upon the banks of the Mississippi. No constitution but the African's can endure constant toil beneath the burning sun in this sultry clime. And but for this system of compulsory labor, where now smile those beautiful flower-gardens of the South-West, where now her boundless fields are whitened as the driven snow, with the great staple of the South, or laden with their heavy yields of corn and sugar-cane, the Chickasaw, Cherokee,

and Choctaw, might still roam beneath the deep shades of her lonely forests "with none to molest or make him afraid."<sup>1</sup>

Was such the plighted faith when the States united under the common banner of the Union? Could it have entered into the genius and spirit of the civil compact, at the formation of the Federal Government, to undermine and overthrow the domestic institutions of the States; to weaken their power; break down their future prospects for wealth and general prosperity; to destroy their property, by circumscribing its limits; and leave the fairest portion of their country in desolation and waste? Was it for this that some of the original States ceded away the fairest portions of the Union? Far from it. They sought refuge from all danger and protection from all injury under the common flag of their nation; they rallied around its standard, streaming over them in the breeze, with the sacred preamble upon it: "We, the people of these United States, in order to form a more perfect Union; to establish JUSTICE, insure domestic TRANQUILLITY, to provide for the COMMON DEFENCE and GENERAL WELFARE, &c. \* \* Do ordain and establish this Constitution of the United States of America."

Whatever is destructive to the property interests of any State, is subversive of its resources of wealth, independence, and power. Would it, then, have been conducive to the general welfare of the States, to have sacrificed this wealth, destroyed their most valuable property interests, and cut off all hope of future prosperity? Would it have established *justice*

<sup>1</sup> We had intended to prepare some statistics upon the effects of British emancipation in the West Indies, but finding that it will extend this work beyond its proper limits, we can make but a brief reference to that subject. The reader will find the subject fully treated in a report of the West India Association of Glasgow, April 14, 1853; he will there find the tables showing the number of estates that have been abandoned and gone to waste since that act took effect, also the depressed and wretched condition of these islands. Who can read it and then honestly contend for the efficacy of free labor with a negro population! The British governor of Jamaica recommends the importation of fugitive slaves from Canada, to instruct, enlighten, and improve the creole population of that Island. (See Essay on Treatment of Negroes, sup. p. 231.) Hence, we say, that without compulsory labor, many of the new Slave States could not have been populated. Without these new Slave States, whence would the world supply its present demand for cotton? where would be obtained the three or four millions of bales of cotton that now feed and clothe nations? and what would be the condition of the millions of population and tens of millions of capital now employed in its manufacture? Who can estimate its loss to the world?

among them, to have forever prohibited their citizens from entering upon those beautiful and fertile lands that stretched away from their boundaries towards the setting sun? Whence have those wealthy and flourishing Slave States upon the Ohio, the Mississippi, and the Gulf of Mexico, been peopled? By whose industry, wealth, and enterprise have they been constituted, in proportion to the number of their inhabitants, some of the most interesting and important States of the Union? And how have the two millions of slave population that inhabit them found their way into this territory? Were they carried there by the effect of any statute law of any State or nation? They rather flowed in there, like every other species of property, simply because there was no law to prevent it: slaves first found their way into these new States and territories in the same manner and by the same right that they first found their way into the New England and other States, during their early colonial existence. How did slavery originate in Massachusetts, and how did it cease to exist in that State? Was there ever any statute law of the State or nation upon that subject? Did any law, during the existence of slavery in all the States, ever prohibit the free emigration of citizens from State to State, and taking their property with them? Now, because slavery was not profitable, and could not continue to exist in Massachusetts and the other Free States, but survived and flourished in Virginia and the Southern States, would it not have been the height of "INJUSTICE" for Congress to have prohibited the citizens of those States from emigrating with their property to those beautiful and luxuriant climes and countries that lay to their south and west? Were they never to set foot in the Hesperian Gardens that now lie in the beautiful Valley of the Mississippi? Were the vast Elysian Fields of the South-west to sleep forever in an untrod wilderness, inaccessible to the footsteps of civilized man, to gratify the whims and caprices of an Abolition sect in the Free States? Is such doctrine compatible with the great spirit, the just, liberal, and comprehensive views of Washington and his compatriots?

But this proscriptive policy, if unjust then is unjust still; and the same reasoning may be applied, half a century hence, to the present condition of the States and territories, that we have applied to the condition of the country from the beginning. Who can reside but for a single year upon the banks of the great Father of Waters, at one of the crossings of the great thoroughfare of the immense tide of emigration that has

been for years setting westward from the old Slave States, to seek new fields and a virgin soil in the immense territory even beyond the Mississippi, and not feel the weight of injustice and the severe calamity that would befall these people, were they denied this privilege; and not realize the fact that it would be the death-blow and knell of their future prospects?

The soil, from long cultivation, in some of the old Slave States, is fast becoming exhausted. In the States of North and South Carolina, Georgia, and even in Alabama and parts of Mississippi, large tracts of country, for this reason, must be annually abandoned, and the inhabitants are compelled to seek new and fresh lands to reward their labors.<sup>1</sup> Millions and millions of acres of the richest and most productive lands upon the face of the globe, that have for years, and will for hundreds of years to come, lay unoccupied in the West, invite them, by the most tempting rewards, to seek new homes in these vast realms of the public domain. Whoever has witnessed them moving on, in caravans of hundreds in a company, with their men-servants and their maid-servants, and their cattle and their horses, and their train of wagons for miles arrayed in a line of march, like the children of Israel in pursuit of the promised land, can feel most sensibly the weight of the death-blow that would be inflicted upon the industry, wealth, and enterprise of these States, were their citizens denied this privilege.

But why should Congress be asked to cut off this fruitful source of public revenue, arising from the sale of the public lands, and to deny the citizens of the Slave States the common right of the citizens of the several States, to emigrate to the new territories which can alone secure value to their property and success to their labors? It is asked for the reason that they possess a species of property that does not meet the conscientious views of the people of those States where it has been proven that it cannot exist.<sup>2</sup> But, say they, slavery in the United States has a tendency to corrupt public morals, and a baneful and debasing influence upon productive industry and free labor; therefore the people of the Free States cannot

<sup>1</sup> It will perhaps be said that this is owing to bad husbandry: but such is not the fact: the soil is of such a character that, in consequence of its washing, &c. it cannot be reclaimed.

<sup>2</sup> Dr. Belknap, in his correspondence with Judge Tucker, says the winters were unfavorable to the African in Massachusetts; the price which they commanded shows that they were comparatively worthless in the now free States, from one hundred and fifty to two hundred dollars being their average price.

intermingle with it. We cheerfully take issue with them on these points, and appeal to facts to support the verity of our pleading.<sup>1</sup> But is the General Government to become the propagandist of a moral or religious sect? Shall Congress be called upon to support a moral or religious creed—to uphold its devotees in all their quibbling qualms of conscience, false and fastidious notions of freedom, relative to the laws and institutions of any one of the States or territories? If so, then the next sect, for the same reasons, will proscribe some particular form of religious belief; another will shut out and preclude all great cities in the new States and territories, large public works of internal improvements, manufacturing corporations, &c. for the reason that they all have a tendency to corrupt public morals, and to monopolies with regard to free labor. And, finally, if these all succeed, the Christian socialists will next come in with their petitions to exclude the institution of marriage; they will portray the long catalogue of evils attendant upon it, and pray that it may be abolished in the District of Columbia, excluded from the territories; and that no new State may be admitted into the Union without a “Wilmot Proviso” in its constitution against it. Next come the non-resistant Woman’s Rights, till we finally get back to the full proscriptive system of the early colonists.

Each of these creeds may be made as legitimate a subject of congressional interference, if the sect became sufficiently numerous and powerful to sustain it, as that of anti-slavery. Once give fanaticism a foothold upon the statute-book of the nation, and who can satisfy the demands of its bigotry and intolerance? Who shall say “Hitherto shalt thou come and no farther?” Or, set bounds to its blind and lawless career? It will ultimately lead to the most fatal consequences of political intolerance, riot, and misrule. It is the same spirit that prompted our forefathers to persecute and punish men for opinion’s sake. It is the same spirit that banished Roger Williams, the Anabaptists, and the Quakers, that would now exclude a portion of the citizens of the United States from the common territory of the Union; it seems to be still lurking, like the tempest around the mountains, amid the hills and vales of these ancient fields of puritanical persecution. And had they but the power to wield the sceptre of the nation, we might read the terrible fate of the Nonconformists, the Anabaptists, the Quakers, and the Witches, and tremble for our own.<sup>2</sup>

<sup>1</sup> See Table, appended to this volume.

<sup>2</sup> Look at the recent act of the Massachusetts Legislature in removing

It is objected to the prevalence of slavery by the free-soil party that it is deleterious to the interests of free labor, paralyzes industrial pursuits, corrupts religion and public morals, and impedes the general progress of the nation in knowledge, wealth, independence, and power.

We have considered to some extent the effect of slavery upon the slave population, but one of the most interesting aspects of this institution is its effects upon the white population in slave-holding States. Men have been so long accustomed to listen to the bold and unwarranted statements of the Abolitionists, to suffer these slanderous charges to go uncontradicted, that they have been cheated into a partial belief in their verity; forgetting the old adage, that a lie well stuck to is as good as the truth; they have come to look upon all who presume to contradict them as presumptuous and unprofitable agitators, and, generally, to decry discussion upon this subject. Thousands of the dough-faced panderers to Northern fanaticism, even in the slave-holding States, for want of a proper understanding of this subject, have been brow-beat and bullied by the sophistry and misrepresentation of the Abolitionists, into a desire to live in the peaceful and silent enjoyment of an acknowledged evil; fearing a truthful examination of its facts and details, and dreading their unfavorable results.

But let every true-hearted friend of the South, who feels interested in upholding and defending her institutions, put far away such a craven and suicidal policy; the day is fast approaching when he must record his vote and the weight of his influence for or against the institution that has made the South what it is, and the Southern people what they are. Let him meet the Abolitionists fairly and boldly in the field, with his bosom bravely brunt to the battle, and hurl at them the death-shots of truth and facts as detailed in the statistical history of the country, remembering that truth cannot suffer in the conflict, and that victory is never won in dastardly shrinking from the field of battle.

We will commence with its effects upon religion. The Abolitionists have so long represented the people of the non-slave-

Judge Loring for a faithful and conscientious discharge of his duty in the Burns' Case. The murder of Bachelor, for the same reason. Look also at the persecutions of the immortal Webster! An editor, or quondam editor of Providence, Rhode Island, stated to the author, in the month of August, 1854, that if he could have had his way he would have hung Daniel Webster on the first tree, on his return from Congress after making his great speech in 1850: doubtless, thousands entertained the same feeling.

holding States, and especially the people of New England, as a devout God-fearing, saint-like people, "free from all pride, vain-glory, and hypocrisy;" they have been held up as such models of humble piety, virtue, and sobriety, that their land has been known as the land of steady habits. So strict have they been in the outward observance of God's law, that even the puff of a steam-car, or the kiss of one's wife on the Sabbath, has been made a penal offence. On the contrary, the slaveholder is held up as a God-forsaken, God-despising heathen; as one regardless of all law, human and divine, as vicious, reckless, lavish of his wealth only to gratify his pride.

The humble piety, the strict morality claimed for the people of New England is attributed to their having freed themselves from the curse of negro slavery, to the blighting effects of which, charity charges the alleged moral and religious degradation of the slaveholder. These vain-boasting and sweeping denunciations being uncontradicted by the South, have long passed for current truths. But, "there is a point beyond which forbearance ceases to be a virtue." The evidence is now made public in the statistics of the country, and we purpose to present the comparative condition of these two sections.

For this purpose, we will take Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and contrast them with Maryland, Virginia, North Carolina, South Carolina, and Georgia, the old slave-holding States that still retain the system. We give the Abolitionists every advantage; we take their models of religion and piety; we take the very homes of the good old Puritan Fathers, and we will compare them with those who are denounced as "fire-eaters," "cut-throats," "traffickers in human flesh," &c. The free population of the New England States, and of these five Southern States, are so nearly equal that the test is sufficiently exact.

We give, from the Census of 1850, the number of churches, the value of church property, and the number of worshippers who can be accommodated in the churches in each of these portions of the country.

	Free Pop.	No. of Churches.	Value.	Accom.
Me., N.H., Vt., Mass., R. I., Conn.	2,728,016	4,607	19,362,634	1,893,450
Md., Va., N. C., S. C., Georgia.	2,730,214	8,081	11,149,118	2,896,472
	2,198	3,473	\$8,113,516	1,003,022

These five Southern States, with only a free population of 2,198 greater than the six New England States, have nearly

double the number of churches capable of accommodating a million more worshippers at but little over half the cost!

We have, then, these facts, that the slave-holders are more disposed to build churches; that their object is not display, but to accommodate those that wish to worship God; while the degenerate sons of the simple-hearted, humble-minded Puritan, the pharisaical Abolitionists, who "thanks God he is not as other men," seeks to glorify himself rather than his God, by the erection of costly temples from which the humble Christian is excluded. But these Southern States have even a brighter picture to present. The "poor slave," who is represented by the Abolitionists as virtually deprived of all Christian teaching, is here furnished accommodation in the house of God better than the pious white man can find in the costly and gorgeous temples of New England.

	Free Pop.	No. of Churches.	Ratio.
Me., Vt., N. H., Mass., R. I., Conn.....	2,728,016	4,667	1 to 592
Md., Va., N. C., S. C., Ga., (free).....	2,730,214	8,081	1 to 336
Total .....	3,448,426	.....	1 to 426

In New England there is one church to every 592 of its inhabitants; while in the Southern States there is one to every 336 of its free to every 426 of its whole population! These Southern States contain a population, including slaves, of 720,410 more than New England; yet, in New England, there are 200,000 more who cannot find a seat in the house of God! These Southern churches can not only accommodate every man that can be crowded into the gorgeous temples of New England, but would then have room for more than a million of slaves!

In New England, 934,566, nearly one-third of their population, are excluded from a seat in church! while in these anathematized Southern States there is not only room for all its free population, but there is also room for 166,258 slaves.

These facts are startling. When we look further at the origin of their respective populations, and other circumstances which attend them, they are almost incomprehensible. When we remember that the population is so much more dense in these New England States than in the Southern—it being, in the former, 43 to the square mile, in the latter but 13; that in New England the price of labor and the cost of materials is much less; that the people of New England live so much more in towns and villages; that in these Southern States they are on large farms, scattered far apart, rarely even in villages; that thus the inducements and facilities for the erection of churches



are so much greater in New England, we are the more forcibly struck with the character of these exhibits.

There is yet another fact, in connection with these developments, shown by the census, which will strike all candid persons as worthy of reflection. Of the small number of churches in New England, 202 are Unitarian, 285 Universalist, to say nothing of the Come-Outers, Spiritualists, Mormons, Millerites, Swedenborgians, and a host of others, too numerous to mention; while of the large number in these Southern States there are but one Unitarian and seven Universalist. Thus we see that the slave-holders of the South run not after strange gods, invent no new religions, but are content with old-fashioned humble Christianity.

But we find Abolition to originate and flourish in the same atmosphere with every other heresy and heterodoxy, from Salem witchcraft to Mormon polygamy. And the Garrisons, the Parkers, Stowes and Beechers, with Fanny Wrights and Abby Folsoms, are found alone in that land that produced Joe Smith, Miller, and the Misses Fox.

What is it that has thus reversed the condition of these people; set at naught all our experience; that has converted the indolent, thoughtless Southerner, into the humble orthodox Christian, while the men and women of the North, the world over noted for religious enthusiasm, the sons and daughters of the Puritans, inheriting the homesteads of all their trials and sufferings, have fallen from their simple, stern devotion, and become setters-up of strange doctrines? We will attempt, during our remarks, to suggest the cause.

From the religions we turn to the social and moral condition of the people. We will take them as they are, and not as they are represented; we will test bold assertions by stern facts. We will again take the six New England States and the five old Slave States, and contrast their condition, because we design to give the Abolitionists the advantage of their boasted land of steady habits. When we assert that these slave-holding States are far in advance of New England in all the elements of real prosperity and true national greatness; that the people are richer, healthier, happier; that their natural increase of population is far greater, and the standard of morality and intelligence far higher among the people, we know that we shall be met with a sneer at our presumption. But let facts and figures decide the issue. We find in the census of 1850 the first great test of the superior condition of our own over these other States, is in the larger proportion of our dwellings to our

families. It needs no argument to show that country the happiest which has the most homes for its people. Not only is their physical condition, their mere comfort, promoted, but there is nothing which more certainly conduces to health and good morals. The watchful care of the home circle, the cheerful, happy fireside, preserve not only the body from disease, but the mind and the heart from corruption and vice. We turn, then, to the homes and families of New England, and compare them with these five old Slave States.

	Families.	Dwellings.
Me., N. H., Vt., Mass., R. I., Conn. ....	518,532	447,789
Md., Va., N. C., S. C., Ga. ....	506,968	496,369

With equal population, New England has 11,564 more families; these Southern States 48,580 more dwellings! In New England, the land whose homes the Abolitionists delight to praise, one in every seven of the families is homeless! while in these Southern States but one family in fifty-two is without a home. Taking the average of the number of persons composing a family, and New England has 373,700 of its population thrown upon the world, who have no place for a home!

Could we trace, in the census, the full consequences of this vast difference in the condition of the people, it would present a picture far from flattering to the Abolition moralist. There is no father in New England who would not place his family in the humblest cabin, his own home, there to learn the lessons of virtue, rather than for any luxury to expose them to the corrupting influences of the public house. There is no mother who would not toil with aching bones to guard her daughter with the shield of the domestic hearth. At home, virtues flourish; abroad, vice plants its seeds, takes root and thrives.

There are consequences exhibited in the census which we can, in some degree, trace to this cause. It is claimed that New England has far outstripped the slave-holding States in the growth of its population. But let us not take naked assertion for truth; let us again appeal to the census. We will take New England and the same five old slave-holding States.

	Population.	Families.	Ann. Births.
Me., N. H., Vt., Mass., R. I., Conn. ....	2,728,118	518,532	61,148
Md., Va., N. C., S. C., Ga. ....	2,730,314	506,968	77,683

With equal population, with 11,564 more families, New England has 16,535 less annual births; the natural increase by birth being 27 per cent. greater in these Southern States than in New England!

Of the five Southern States which we have selected, two of them, South Carolina and Georgia, are deemed so fatal in their climate, a Northern life insurance company would claim the forfeiture of the policy for a visit to their territories; and yet we find them more prolific than the North! Here, again, we find the laws of nature vanquished, the rule reversed; the North, instead of supplying population to the South, is far behind her in natural increase. We must look beyond the climate for the cause. We may attribute it, in part, to the greater number of dwellings, and the consequent increase of comfort to the occupants at the South. But this alone is not sufficient to produce so extraordinary a difference; other causes, equally efficient, conduce much to this result; and those causes may, without difficulty, be traced by their effects.

The natural increase of population is universally held to be a correct criterion of the physical and moral condition of a people. To increase and multiply, a people must be healthy and happy, virtuous and vigorous. They must labor, not toil; their diet be nutritious, their habits regular. Luxury and indolence as naturally beget effeminacy as do destitution and oppression produce imbecility.

A people, virtuous, with comfortable homes, ample provision, without excessive toil, will even overcome the obstacles of climate, and increase more rapidly than those who, in the most favorable climates, without a home, toil for a scant subsistence, become vicious from destitution; or those who, from excessive wealth, with no stimulus to healthful exercise, become idle and effeminate. But statistical facts relative to the superior condition of the Southern people are no less startling.

	Population.	Deaths.	Ratio.
Me., N. H., Vt., Mass., R. I., Conn. ....	2,728,118	42,368	1 to 64
Md., Va., N. C., S. C., Ga. ....	2,720,316	32,216	1 to 85

In these New England States there are 10,152 more deaths annually than in the sickly and fatal Southern States—about 33 per cent. in favor of the slave-holding States. Here, again, we find nature conquered, the physical and moral condition of the people better.

Thus we find that these slave-holding States which the Abolitionists would represent as becoming depopulated from the effects of climate and disease, actually increase 62 per cent. per annum faster than New England, not taking into account the artificial increase by importation: the excess of Southern births being 29 per cent., of Northern deaths, 33 per cent. It

is not fair in this estimate to take into account the increase of population in New England by immigration; because we can only look at natural increase to ascertain the physical and moral condition of a people. There may be extraneous causes for immigration to a country, that have nothing to do directly with the moral or physical condition of the people, as, for instance, the peopling of California and some of the new lands of the West. Here the same causes operated to produce these effects that prompted the avaricious Spaniard to the conquest of Mexico and Peru—an inordinate love of gold. Gold! Gold! was the watchword.

It is a favorite trick of the Abolitionists to make such comparisons as New York with Virginia, Pennsylvania with North Carolina, Massachusetts with South Carolina, to show the superiority of the system of labor in the free States, in the progress of population, wealth, prosperity, and happiness. But the sophistry of such comparisons is apparent to the understanding of a child. The relative position and physical character of these great Free States, affording superior advantages for commerce and manufactures, have not only invited millions of foreign capital to profitable investments, but millions upon millions of foreign emigrants and paupers to their shores. While they afford the greater facilities for the carrying trade of all the States, and commerce in general, they are so situated as to catch those immense waves of foreign immigration that are constantly floating in upon the American coast. These hordes of immigrants from higher northern latitudes in the Old, range along similar parallels in the New World, and comparatively few of them are found south of Mason and Dixon's Line. Hence it would be quite as unjust to compare these few States with those of the Slave States that do not enjoy such advantages of location and physical character, in their progress in population, commerce, and manufactures, as to compare these few States with California in progress of population and production of gold dust, or with Texas in that of the increase of population. Virginia, with no influx of foreign population, has been subjected to a constant drain upon her native increase, by an immense tide of emigration to all the new Slave States. She has ceded more territory to the government, and peopled more of the new Slave States with her native sons, than any other State in the Union. And the same is true to some extent of all the old Slave States. And what has been the result? They have from their own native resources opened and settled two more new States than the old Free States, with all their foreign

resources; taken up almost double the amount of government land, and produced double the value of exports.<sup>1</sup> What truth then is there in the assertion that slavery prevents national progress, by settlement, increase of population and wealth, or otherwise? It is an old adage that "too much of a good thing is good for nothing." So great has been the increase of population in some of the old free States, that they have been compelled to put a check upon it by prohibiting immigrants from landing. Comparisons are instituted by the Abolitionists between the comparative value of land per acre in Virginia and New York, and others of a like kind; but what does the excess in favor of the Free States show? Only that there are a greater number of persons to the square mile, and labor being cheaper it is harder for the poor man, as in England, to become a proprietor of the soil. But even then, if the comparison be put upon its true basis, we shall find it to be in favor of the Slave States; the ratio between the number of persons to the square mile in any two States, and the value of the land per acre in those States, is the only criterion by which to determine its comparative intrinsic value in each. In the State of New York we find 66 persons to a square mile, with the proportion of improved to unimproved land twice as great as in Virginia; in the latter State the number of persons to the square mile is only 22, just one-third of that in New York; yet in Virginia, with all her waste of mountains and excess of unimproved territory, with a cash valuation of farms less by more than one-half than that in New York, the value of land per acre is nearly equal to the ratio between the number of persons to the square mile; the ratio of persons to the mile being as 66 to 22, and the value of land per acre as about 29 to 9. I say the comparison put upon this, the correct basis, will in every instance result in favor of the Slave States. But we do not contend that the country which has the greatest aggregate wealth is really the most prosperous; we must look rather to the sources of its wealth and to the equality in the distribution of the same. Slave-holding States must be mainly agricultural, and their wealth of necessity more equally distributed than in those engaged in commerce and manufactures. The census confirms this position by the vast disproportion in the number of paupers in the slaveholding and non-slaveholding States. We will take again the six New England and the five old Slave States. Again we give the Abolitionists every advantage; we take their

<sup>1</sup> See Table III., Appendix.

models of commercial and manufacturing prosperity, and contrast them with those which are ever held up and pointed at as emblems of poverty ; we compare the frugal, ingenious, energetic, thrifty Yankee, with the idle, improvident, careless, and wasteful slave-holder, with equal population :

	Value of Property assessed.
Me., N. H., Vt., Mass., Conn., R. I. ....	\$1,003,466,181
Md., Va., N. C., S. C., Ga. ....	1,420,989,573
Excess of Southern wealth.....	\$417,523,392
Of this excess, Land.....	\$127,318,388
“ “ Personal Property.....	291,215,054
The ratio of wealth to the individual is, in New	
England .....	\$367 per head.
In Southern States.....	520 “

The poor worn-out Slave States that have ceded away territory equal to twice the size of the original States, and have divided their wealth and population over nine new States, have still \$417,523,392 more left than New England, with all its boasted prosperity ! This result is the more extraordinary because it reverses again all our experience. Since the days of Tyre and Sidon, commerce and manufactures have been regarded as the greatest sources of wealth, and agriculture the less. In Europe tariffs are made to protect the farmer, commerce and manufactures protect themselves. But in Southern States agriculture not only protects itself, but it carries on its shoulders commerce and manufactures.

If we rank the slaves as persons in this estimate and entitled to share in the distribution of the property, still the South is far richer than the North.

	Total Popu- lation.	Ratio of Property per head.
Me., N. H., Vt., Mass., R. I., Conn.....	2,728,016	\$367.00
Md., Va., N. C., S. C., Ga. ....	3,448,426	412.00

We may be accused of selecting the poorest of the non-slaveholding States, and the richest slaveholding States for our comparison. But let us contrast them with New York, Pennsylvania, and Ohio, the giants of the Free States, and we shall find the comparison still more favorable to the South :

	Ratio of property.
New York.....	\$231.00 per head.
Pennsylvania .....	214.00 “
Ohio.....	219.00 “

The other non-slave-holding States are still lower in the scale :

Indiana has.....	\$154.00 per head.
Illinois.....	134.00 “

While of the new Slave States :

Mississippi has.....	\$702.00 per head.
Louisiana.....	806.00 “

Kentucky, with her barren mountains, is far ahead of Ohio ; and Missouri, the poorest of the Slave States, with a mere handful of slaves, is richer, under all her disadvantages, than Illinois, the giant of the West—than Indiana, with her unrivalled soil and favorable position.

The ratio per head is as follows :

Ohio.....	\$219.00
Indiana.....	154.00
Illinois.....	134.00
Kentucky.....	377.00
Missouri.....	166.00

We have no means of contrasting the condition of the slaves in the Southern States, with that of the hewers of wood and drawers of water, exclusively, at the North. The census enables us to compare them with the aggregate population of the Free States—a large portion of whom are not driven by necessity to toil for a subsistence ; and with all the advantages of climate against the South, as is supposed ; but even with the odds against us, we need not shrink from the contrast :

	Population.	Annual Births.
Me., N. H., Vt., Mass. R. I., Conn.....	2,728,116	61,148
Md., Va., N. C., S. C., Ga.....	1,618,214 slaves,	40,496
		Annual Deaths.
New England.....		42,368
Southern Slaves.....		24,790

#### RATIO OF BIRTHS AND DEATHS.

	Births.	Deaths.
New England.....	1 to 44	1 to 64
Southern Slaves.....	1 to 39	1 to 65
“ Free.....	1 to 35	1 to 85

Thus we see that the slaves, though not so fortunate as their masters, are yet more prolific and less liable to die than the freemen of New England.<sup>1</sup>

<sup>1</sup> This exhibit shows the people of the Southern States to be the most prolific, and less liable to die than any people in the world. In New England, the ratio of deaths is 1 to 64 ; in England, it is 1 to every 44 ; and no country will compare with the South in that respect, it being 1 to 65 ; of all, as 1 to 85 of the free inhabitants.

The number of paupers in New England is 33,431, according to the census of 1850; while those in these old Slave States are but 14,221—giving an excess to New England, with equal population, of 19,210, or 135 per cent. more paupers than the Southern States. In New England, the boasted land of thrift, 1 to every 81 is a pauper; while in these Southern States, which the Abolitionists represent as impoverished by slavery, there is but 1 in 191 of the inhabitants.

But we shall be told that these paupers in New England are mostly foreigners. If so, these paupers did not come from slave-holding States; they came from those like New England, miscalled "free," where they have been taught to look upon negro slavery as a curse, blighting with its influence the energies of the white race. To these foreigners is New England indebted for her boasted increase of population.<sup>1</sup> Without their aid, she would be far behind the South even in numbers; for we have seen how greatly the South exceeds her in natural increase. To foreign capital, also, is she indebted, to a great extent, for her great manufacturing establishments—to foreign labor for her railroads, canals, and public works: she has no right, then, to cast them off when they count against her.

But even this excuse will not avail; for the census has distinguished the foreign from the native pauper, and still the comparison is in favor of the South:

	Native Paupers.
Me., N. H., Vt., Mass., R. I., Conn.....	18,966
Md., Va., N. C., S. C., Ga.....	11,728
Excess of native New England paupers.....	<u>7,238</u>

But we have still further and stronger evidence of superiority in the physical, moral, and intellectual condition of the people of the South over those of the North. Loss of speech, of hearing, of sight, as certainly indicates physical, as do idiocy and insanity mental suffering. By the extent to which the negroes, slave and free, are subject to these afflictions, we may determine their condition. Blindness, insanity, and idiocy, especially, result from destitution and distress, other things being equal. By the census, we find that the Negro race is much more subject to these afflictions than the white—the ratio being:

<sup>1</sup> For excess of crime and criminals in the Free States, see Appendix, Table IV.



	White.	Free Negro.
Of Deaf and Dumb.....	1 to 2151 .....	1 to 3005
Blind .....	1 to 2445 .....	1 to 870
Insane and Idiots.....	1 to 1374 .....	1 to 980

We thus see that the negro, when free, is far more subject to blindness, insanity, and idiocy, than the white. Yet we find that the negro, when a slave, is almost exempt from them all—not only is he far less afflicted than the free negro, but even less than his master.

	White.	Free Negro.	Slave.
Deaf and Dumb.....	1 to 2151 .....	1 to 3005 .....	1 to 6552
Blind.....	1 to 2445 .....	1 to 870 .....	1 to 2645
Insane and Idiots.....	1 to 1374 .....	1 to 980 .....	1 to 3080

But one explanation can be made of this remarkable development. It is one that must present itself with peculiar force to every unprejudiced mind accustomed to hear of the physical suffering of the slaves. The explanation readily occurs to the mind acquainted with the real condition of the slave: it is found in the watchful care of the master, the simple, contented, and genuine happiness of the slave.<sup>1</sup>

	Total Deaf, Dumb, Blind, Insane, Idiots.
Me., N. H., Vt., Mass., R. I., Conn.....	8,781
Md., Va., N. & S. C., Ga.....	7,809
Excess in New England.....	972
	Insane.
New England.....	3,834
Southern States .....	2,580
Excess in New England.....	1,254

In the "land of steady habits," among a people cold and phlegmatic in their temperament, claiming to be peculiarly sober, temperate, and practical, we find the number of the insane nearly 50 per cent. greater than among the excitable and ardent sons of the South. We have, thus far, contrasted New England with the five old Slave States; and we find commerce and manufactures, the great sources of wealth, are here less profitable than slave-holding agriculture. To all the ills to which man is subject, both mental and physical, the men of the North, with all their advantages of climate, are far more liable than the Southern slave-holder. In short, under all the disadvantages of climate, of the cramping influence of oppressive legislation to protect the North, in despite of the very laws of Nature, by the so-called "curse of slavery," the

<sup>1</sup> See Essay on Treatment of Slaves, sup. p. 226.

people of the slave-holding States are more religious, moral,<sup>1</sup> healthier and happier, multiply faster, live longer and better, and are far richer, than the people of the North. They also produce nearly double the amount in value of our exports; pay nearly double of the amount of the revenue, by duties and the purchase of the public domain; furnish a boundless market for domestic manufactures, and endless resources of the wealth, independence, and power of the nation.

Yet we are told that "sterility tracks the slave," &c. ; that slavery corrupts public morals, degrades both master and slave, paralyzes industrial pursuits, the progress of wealth, enterprise, and population; and its extension should be prohibited by Congress, &c. from the territories and new States.

But this, after the exhibits which we have made from the statistics of the country, may be justly pronounced a false accusation, a hypocritical pretence for agitation, unwarranted by facts, unfounded in truth. We have shown from the Census of 1850 superiority of the population of the Slave States in religion, morals, wealth, comfort, health, and happiness. We have also shown by our tables that they employ more persons, including their slaves, in industrial pursuits than those of the Free States, giving the latter the advantage of all their great cities and legions of foreigners, that swarm upon their lands like the locusts upon the plains of Egypt.<sup>2</sup>

If we off-set these by the slaves employed at the South, with any given number of population, they will greatly exceed the same number at the North in the proportion engaged in industrial pursuits. The South also greatly exceeds the North, as regards the number of acres of land improved; in the number of farmers, and in the amount of grain and live stock; furnishing nearly double the amount in value of exports, and thus contribute far more to the wealth, prosperity, and power of the nation. Though the North exceeds in commerce and manufactures, yet in this there is no real production to enrich the nation but the value of the labor; and, consequently, while it enriches individuals, it might leave the nation comparatively dependent and poor. But which portion of the country offers the greatest inducement to the laborer? Ask the mechanic and laborer of every description where he is most liberally rewarded for his labor.<sup>3</sup>

<sup>1</sup> See, for comparative number of criminals, &c. Appendix, Table IV.

<sup>2</sup> See Table I, Appendix. We have not separated the native and foreign laborers.

<sup>3</sup> It would be an interesting inquiry to compare the wages of the seve-

Who have pushed their conquests farthest into the far-off wilds of the West? Before whose prowess has the forest vanished as by magic, and the wilderness blossomed as the rose? Look at the comparative number of acres of improved and of unimproved lands owned by the farmers of the Slave and of the Free States as set forth in the tables above referred to. Look also at their comparative products in corn and live stock, bread and meat, the great staples of human consumption. In addition to these, the Slave States have all their peculiar productions to enhance the annual amount of their productive industry; all their cotton, tobacco, rice, turpentine, sugar, hemp, besides large quantities of wheat raised in many of these States; and then say which have the best claim upon the Federal Government to protect their property interests, the Slave or the Free States. Upon this subject I beg leave to quote from the eloquent remarks of Mr. Keitt, of South Carolina: they should be read and re-read, and pondered well by every free man.

"As a Southern man, sir, I demand that this government shall protect, constitutionally, our slave property. But a few years ago, the whole North sent up a cry of distress and oppression, when you reduced your tariff but a few cents. You were told of blighted prosperity, of stagnant industry, and crumbling enterprises. When your legislation, in restoring equality to different interests, withdrew some of the enormous gains of their capital, which had been fostered by legislative bounty; while the North was thus whining in sackcloth and ashes over their fancied oppression, she had but about seventy millions invested in manufactures. What now is this Government attempted to be used to do? To withdraw legislative bounties and refuse to foster unnatural interests upon capital? No! it is called upon to upheave the social foundation of a magnificent region; to confiscate property of incalculable magnitude; to expel or exterminate a race, and to involve in chaotic rupture all the social and industrial relations which an age could not restore and readjust. Sir, the smallest State in the South has more property in slaves than all the North had in manufactures when she crowded these lobbies and besieged the doors of this Hall, crying out against the withdrawal of

ral kinds of employment at the North and at the South; we may safely assert that they will be found nearly double in every instance in favor of the South; and the thousands of mechanics, artisans, school-teachers, and laborers of various description that annually emigrate from the Free to the Slave States, will bear testimony to the truth of this assertion. The expenses of the laborer depend altogether upon his habits: they need scarcely exceed those of the Free States.

legislative bounty. And shall the South be quiescent and train her tongue to honeyed words, when you raise against her the ruthless hand of power and oppression? No, sir. I ask for no boon, and I will take none; but I firmly demand our rights."

Have the Slave or the Free States ceded most of the public lands to the United States? Which have paid, and are still paying, the greatest tribute to the nation for the privilege of settling those lands by entering and purchasing the same?<sup>1</sup>

A brief comparison between the value of the exported products of the North and of the South will approximate the truth of the superiority of the latter over the former, as sources of national wealth, progress, prosperity, and power. So large a proportion of the exports are, in a degree, so common to all the States, that the exact ratio cannot be determined.<sup>2</sup>

The total value of the exports derived, directly or indirectly, from the products of the South, will average, at a very moderate and safe calculation, four times the amount derived from the North; and, but for her exports, what resources has this

<sup>1</sup> See Table of the comparative number of acres taken up by the inhabitants of the Slave and of the Free States. Table, No. II.

<sup>2</sup> For the year ending June 30th, 1855, the aggregate value of the exports of the United States, was.....	\$246,708,553
In round numbers, say.....	247,000,000
Exclusively Southern products .....	110,000,000
Balance for all the States.....	137,000,000

From this, deduct for coin, bullion, &c., as common to both North and South.....	\$54,000,000
For manufacture of cotton goods.....	6,000,000
For total products of wood, as tar, pitch, rosin, turpentine, ashes, lumber, &c. ....	13,000,000
Total products of animals .....	17,000,000
Vegetable food .....	24,000,000

As the value of the exclusive exports of the North, it leaves a balance of only.....	\$23,000,000
For some years, this ratio was much larger in favor of the South; in 1853, the exports were.....	\$214,000,000
Exclusive of the South .....	125,000,000

Balance for States generally.....	\$89,000,000
Common to both, say.....	75,000,000

Exclusively for the North.....	\$14,000,000
Total amount of imports for the same year was, in round numbers .....	\$262,000,000
Leaving a balance of trade against the United States, of	15,000,000

nation to meet its enormous annual outlay in foreign commodities? and what would become of its revenues arising from their importation? It is true, many of the Free States produce large amounts from their various branches of domestic manufactures; but these are mostly consumed at home, protected by national legislation, and add but little to the available stock of national wealth. Even these Northern manufacturers are supported, principally, by Southern patronage; the South is compelled by the legislative policy of the General Government to purchase the manufactured articles of the North. Hence, of the one hundred millions annually realized by the South from the proceeds of her cotton, most of it ultimately finds its way into the hands of Northern capitalists.<sup>1</sup>

A partnership business has long been carried on between the North and the South. At first the North owned the slaves, and furnished them to the South, which realized only the proceeds of their labor. The process has since been reversed; the South now own the slaves, and the North the proceeds of their labor. The South make the crop and prepare it for market; the North ship it, work up the raw material, and furnish all the necessary supplies for the proceeds. Dissolve this partnership, withhold our cotton, with its immense profits to the North, from her, exclude her shipping from our ports, and her manufactured articles from our markets, and what more destructive blow could be dealt upon her? Throw the one hundred millions of dollars that now annually flow into her coffers from her partnership with the South, into some channel of foreign trade, and behold

<sup>1</sup> From the official Tables, it appears that the North have, in shipping, 1,201,930 registered tonnage, and 1,456,314 enrolled tonnage. Deducting the whaling and fishing tonnage, leaves 1,009,750 registered, and 1,322,475 coasting tonnage applicable to the transporting of merchandize. More than three-fourths of this entire tonnage (it was asserted by a leading Review) is employed in the transportation of the produce of the South.

A rough estimate of the profits of the North, derived from the South, may be summed up thus:—

Freight on Northern shipping of Southern products.....	\$40,000,000
Profits on imports at the North for the South.....	9,000,000
Profits of exchange operations, and Northern capital at the South .....	7,000,000
Profits on Northern goods sold at the South.....	24,000,000
Profits on Western produce descending the Mississippi.....	10,000,000
Amount annually left by Southern tourists at the North.....	15,000,000
Amount annually carried North by teachers, artists, and other transient persons employed at the South.....	5,000,000
Total.....	\$110,000,000

her shipping rotting in her harbors, her desolate towns and villages, with their millions of operatives wandering like foreign mendicants through the land, bankruptcy and ruin would stalk upon the heels of her palsied energies and withered enterprise. Break down our property interests, destroy our productions, and who can calculate the injury that would be inflicted upon the present and future generations! Of the three millions of bales of cotton annually produced by the Slave States, the shipping, fabrication, sale of the goods, &c., &c., directly and indirectly supports, at home and abroad, a population which it is impossible accurately to estimate. The production, and number of persons engaged in its fabrication, &c., &c., and supported by it, as well as the amount of capital so engaged in the great staple of the South, are annually increasing at a rapid rate; but the supply in no measure keeps pace with the demand. So great is this excess, that the agricultural resources of all regions adapted to the growth of cotton, are likely to prove inadequate to overcome it. It is a fixed fact in human experience, that cotton cannot be extensively and successfully cultivated except by slave labor. And whence is this labor to be eventually derived? Any great convulsion that should destroy slave labor, and swallow up this single article of Southern production, would shake to their downfall the most powerful governments on earth.

The suicidal policy of the Black Republicans, by breaking down the institutions and property interests of the South, would not only bring ruin and distress upon countless numbers of the population, deranging the commerce and manufactures of the world, by cutting off the supply of cotton, but they would bankrupt our national treasury, by stopping the revenues from the sale of public lands to the South, and from duties on imported articles, and swell the balance of trade against the States beyond what their resources could support. They would lay waste the fairest fields of Southern industry and enterprise, cripple their own resources by depriving themselves of the requisite supply of cotton, by excluding their own manufactures from the markets of the South, and by destroying a lucrative commerce between these two sections of the Union.

Should the lawless enthusiast continue unrebuked by reason, should the disorganizing and infatuated continue unchecked by constitutional compact, till they could achieve their diabolical purpose, they would find that all their weapons of warfare would deal the severest blows upon their own heads; that their very breath, in which they breathe out threatenings and

slaughter" against the South, like the food of Milton's devils, would turn to coals of fire upon their own lips "If the South were base enough, if she were craven enough to submit to the overthrow of her honor, peace, and political existence, the triumph of the North would be that of the gladiator who died receiving the submission of his foe."<sup>1</sup>

Our tables also refute the accusation that slavery corrupts the public morals. According to the best statistics, there is less crime, and not one half the proportion of convicts in the penitentiaries of the Slave States; the contrast relative to bastards and prostitution is still more favorable to the South. There are effects produced by negro slavery upon the general character of the white population that cannot be exhibited by the census, that cannot be set down in figures, of far more importance than the acquisition of wealth or the increase of population. These are its tendency to elevate and give them a more exalted tone of moral sentiment, and a more stern and unyielding attachment to their liberty and their rights, and a just pride of character.

"There is, however, one circumstance attending these Southern Colonies," said Edmund Burke, "which fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the eastward. It is, that in Virginia and the Carolinas there is a vast multitude of slaves. Where this is the case, in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom to them is not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as

<sup>1</sup> Mr. Charles Sumner asserted, in the Senate of the United States, that "sterility tracks the slave as it tracked Attila's horse." But upon what authority did this red constitutionalist make this assertion? Let the foregoing facts and remarks answer. But says Mr. Keitt: "I appeal from the Mosaic Whig of to-day to the genuine Whig of 1776. I appeal to John Adams, still revered in Boston. He said in 1776, 'That as to this matter (the wealth of the State), it was of no consequence by what name you called your people— whether by that of freemen or slaves. That in some countries the laboring poor were called freemen, in others slaves: but that the difference, as to the State, was imaginary only. What matters it whether a landlord, employing ten laborers on his farm, gives them annually as much money as they can use for the necessities of life, or gives them those necessities at short hand? The ten laborers add as much wealth annually to the State, increase its exports as much, in the one case as the other. Certainly, five hundred freemen produce no more profit, no greater surplus for the payment of taxes, than so many slaves. The condition of the laboring poor in most countries, that of the fishermen of the Northern States in particular, is as abject as that of slaves.'" *Madison State Papers*, vol. i. p. 29.

in countries where it is a common blessing, and broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude itself, liberty looks among them like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but the fact is so, and I cannot alter the nature of man. These people of the Southern Colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such, in our day, were the Poles; and such will ever be all masters of slaves who are not themselves slaves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it more invincible."

History attests the truth of every word of the above; not only does negro slavery elevate the character of the master, and where the master is free, render his devotion to liberty a high and holy feeling, but where, as in our own country, the slave is of a different and inferior race, marked and set apart by his color, physical and mental characteristics, it elevates the character, not only of the master, the actual owner of the slaves, but of all the individuals of his own race who wear the color and distinguishing characteristics of freemen. With us color, not money, marks the class: black is the badge of slavery, white the color of freemen; and the white man, however poor, whatever be his occupation, is inspired with the just pride of a freeman, a sovereign. Though his estate be but an empty title, he scorns to disgrace his station by dastardly acts of crime, or by stooping, for money's sake, to become the slave of another.

In a community where all are nominally free and equal, wealth becomes the great object to be obtained, for wealth alone distinguishes the higher from the lower classes. There money makes the real master, poverty the real slave. A contest between wealth and poverty, capital and labor, necessarily begins. Each party seeks, by the means within its command, to increase its power. Wealth, by the aid of talent and influence, to increase and secure its fortune at the expense of labor; poverty, by its political power, in numbers the stronger, seeks to better its condition, to free itself from real slavery. In this unequal conflict of interest, capital seeks to extort the greatest gain for the least expenditure; labor, struggling for bread, demands a higher recompense for its services. The interest of the employer and the hireling, the capitalist and the laborer, are an-



tagonistic, like that of the vendor and the vendee—for the gain of the one is the loss of the other. As a nation increases in population, wealth, and power, the breach is widened, these interests conflict the more, wealth becomes more absorbed in the hands of the few, the demand for labor less, the supply greater, till at last these starving millions become vicious and desperate; and crime, misery and wretchedness is the consequence. But not so where capital is labor, and the interest of both is the same; not so where color alone gives rank, and where every white man is proud of his position and zealous of his rights. Dastardly crime is unknown to his high and chivalrous character. There is a high standard of honor, an excessive pride of character, that taints even the kindred blood of the culprit, and few are willing to hazard the fiery ordeal of public opinion. This results, also, in part, from a more liberal education. Though education is not so generally diffused at the South, it being impossible to support schools, in consequence of the sparseness of the population, and the new settlers not being able to send their children away, yet, in the older and more wealthy States and neighborhoods the advantages are greatly superior, and the general standard of education and intelligence among business men, who form public opinion and mould public character, is higher than is general in the Free States. This results from the fact that the pupils of both sexes are kept constantly at school from the time of the commencement to that of the completion of their education; and, in most cases, they enjoy the best advantages which the country affords. The custom has hitherto prevailed of sending them to the institutions of the Free States. A collegiate education, and a diploma in some one of the learned professions, becomes a fashionable accomplishment, even to the planter and business man.<sup>1</sup> The nature of the Southern planter's business necessarily requires, and naturally produces, a higher degree of general intelligence than that of the farmer of the Free States. All the great commercial and financial questions of the day are his study, for the reason that they relate immediately to his interests; whatever deranges commerce, or effects any change in the operations of financial circles, is first indicated by the advance or decline in the price of cotton, as regularly as any change of temperature is evinced by the rise or fall of the mercury. Such topics, therefore, become his study; he becomes a man of observation, and leads, to a great extent, the life of a

<sup>1</sup> See Table No. I. for the comparative number of students in the Slave and the Free States. See Table No. V. for criminal statistics.

theoretical merchant. Whoever makes an acquaintance with the general character of the Southern planters, will find them a well-read and well-informed class of people; he will find among them some of the highest order of mercantile talent, and some of the boldest and most successful financial operators.

Not only does negro slavery thus elevate the character of the white man, it ennobles woman. Relieved by the slave of the abject toils, the servile condition to which the white woman is so often subjected by necessity where negro slavery does not exist, and which take from her woman's greatest charms—modesty, virtue, and the like, which make of her the rude, drudging, despised servant of a hard master; the white woman becomes, as she is fitted to be, not the slave but the queen of her household, fit mate for a sovereign. Virtuous, modest, retiring, sensitive, her only ambition to merit the love of her husband, her only pride to point to her children and say, "these are my jewels;" worshipped in her sphere, her gentle sway undisputed, the white woman in the slave-holding States needs no convention to secure her rights; whether she be the mistress of a mansion or the humble tenant of a cabin, to her the seat of honor is ever accorded at home, and abroad every true son of the South deems himself her champion.

The rank and position of woman has ever been the true criterion of civilization and refinement in all ages and nations. To the barbarian she is not an equal but a slave, she relieves her lord of his labor, bows her head in his presence. Thus the Southern parents, of all professions, zealous of the rights and privileges of their sons as freemen, proud of the rank and position of their daughters, bestow more care and attention upon their education, where they are able, and thus render a collegiate and liberal education a fashionable accomplishment to all.

But is this true generally of the agricultural people of the Free States? The professional and mercantile circles of these States, in point of learning and general intelligence, are, perhaps, excelled by few of those classes in the world; but how is it with the common country people? What are the comparative advantages of the farmers' sons and daughters throughout the more distant or back portions of the country for an education, an acquaintance with the world, with human nature, and topics of general intelligence? The New England farmer, and in most of the Free States, from the climate, character of the soil, and density of the population, is compelled to live within a more limited sphere. However commendable may be his industry, honesty, and frugality (and we would not say a single

word disparagingly of the same), it is a necessary economy to keep his expenses within his means. His daughters, as soon as they are capable, must share the burdens and labors of the household affairs; hence neatness in cooking, washing, ironing, chamber-work, &c., is, by the force of necessity, held up as a very requisite and fashionable accomplishment for a young lady. His sons, from the age of fifteen to twenty-one, are thoroughly drilled in the exercise of the crow-bar, the hoe, axe, spade, &c., to fit them for the duties of citizens, and their sphere of usefulness in after life. From two to three months' cessation from labor during the inclemency of winter, affords them an opportunity to attend a common country school. Here, by improving their opportunities, they may learn to read and write, something of Geography, of English Grammar, and of Arithmetic as far as Interest or the Rule of Three. At the age of twenty-one, they have read their Bible, some religious family newspaper (the *Liberator*, *Emanipator*, *et genus omne*), and have been to mill and to meeting. And this they call education. At majority, the all-important crisis of life for which they are always eagerly looking forward, they are allowed to start in the world for themselves, though many become so impatient and discontented with their lot at home, that they surreptitiously quit the parental domicile while they have yet many years to serve, and take the chances of fortune before them. Some one is selected to remain with the father and mother and settle on the homestead, to take care of them in their declining years; the others are all started out into the world to shift for themselves. The age of majority, the culminating point of all their infant anxieties, deprives them of their right to a home under the domestic roof where they were born, and they must now seek some employment to make a living for themselves. The girls, if they have not yet been suited with an offer for a husband, usually find their way to some neighboring town or city to bind themselves out to some craft of the needle, or to become the slavish inmates of those extensive cotton and woollen factories. The boys all set out in the same beaten track, on foot upon the highway, with a little bundle containing a clean shirt, and a go-to-meeting suit, tied up in a flag silk handkerchief, and swung with a stick over their shoulders, to look for work. If the adventure is successful, he may "set in" by the year, for from ten to fifteen dollars per month; for this pitiful sum he toils on from year to year to get something "aforehand." If he is economical he may perhaps save one hundred dollars per year from his wages, and this gives him

the reputation of a very steady, industrious, and promising young man; or he may go to some trade, and by working a year or two for his board, realize afterwards somewhat higher wages. Such is, to a great extent, a true picture in the history of the farmer's family in the Free States.<sup>1</sup> He may be ever so devoted a parent to the interests and welfare of his children, and may even go beyond his means, as he often does, to assist them; yet having started even with the world himself, he can bequeath only the blessed privilege to them, consoling them with the soothing consolation that fortunes inherited are very dangerous to the heirs. Thus this sanctimonious custom of leaving nothing behind them, as the great conservator of public morals, is carefully observed, perpetuated, and handed down as a precious bequest from generation to generation. Thousands waste their intellectual being without the means of discipline or culture, by spending their lives tied like a bond slave to some agricultural implement, or other service, without being able to obtain more than a subsistence. Even Daniel Webster himself, but for the giant power of his nature to struggle up through the surrounding obstacles that beset him, might have been a New England clodhopper, delving in her granite soil as a hireling for a support, to the day of his death. But how many thousands are there, who, instead of rising above these mountain obstacles to surmount them all, sink beneath their weight and die in servile obscurity under their shades. Such are some of the fruits of the vaunted system of free labor upon mental culture, civilization, and refinement of the boasted yeomanry of the Free States, "the bone and sinew of the land." However commendable may be industry and enterprise, to a certain extent, in all classes, it is not the most exalted province of man or woman to devote themselves wholly to physical labor, like beasts of burden, for a bodily subsistence; nor is such an element the most essential to constitute a highly desirable state of society. It is argued that idleness is the mother of vice, and labor prevents crime; but if men are so villanous by nature that they must be doomed to fields of unremitting toil to prevent the contraction of bad habits and the commission of felonies, they should be sent to the work-house and penitentiary at once. The most perfect conservators of public morals are virtue and intelligence, and these are always found in the highest degree, in the most exalted stage of civilization and refinement. But

<sup>1</sup> To some of the more wealthy families, perhaps these remarks will not apply, but they will include the great majority of the laboring classes.

what there is in physical labor itself calculated to purify the morals, promote the intelligence, and refine the sensibilities of a community, no one has yet been able to discover. According to Scripture it was a degrading curse inflicted upon the human race as a punishment for the first transgression. And in the progress of civilization the nearer man approaches to the high and holy attitude in which he was created, the less liable will he be to be doomed "to eat his bread by the sweat of the brow." But labor must be performed by somebody; and those who do not live by their own, must subsist upon the labor of others. "Whosoever does not work shall not eat." That is very true; but the most perfect state of society is for each individual, or class, to occupy the position to which they are best suited, and not be constrained by necessitous circumstances; for so far he is a slave, unable to improve his condition though he may have the ability. Here the philosophy of Aristotle is again practically illustrated. "It is the province of mind to command, and matter to obey; 'Some men from their natures are born to rule and direct, and others to serve. They can obey reason, though they cannot exercise it.'" When each occupy their appropriate position they mutually support and protect one another, and thus strengthen the resources of the body politic. But let no high-born American freeman be a slave.

It has been often asserted in the hearing of the author, that the Southern people can well afford to be more generous and hospitable, to give their children better advantages for education, to travel with them, and give them better means of acquiring information, and to rear their families in more intelligent, refined, and accomplished circles of society; "for the labor is all done and the money all earned by the slaves." But how has the Southern planter obtained his slaves? Their service is all capital invested, yielding but a comparatively small per centage on the amount; how has he come in possession of this amount of capital? Has it been through the influence and tendencies of the boasted system of free labor? Why does not the farmer of the Free States invest his capital in the service of a hundred laborers which he may procure at a less expense than the slave is to his master? Instead of investing money in banks, stocks, city property, or hoarding it up and making servants of their wives and children, they might throw this mass of labor around them, like the hospitable and noble old Roman, to administer to the ease, comfort, and happiness of themselves and families. The planter of the

South, instead of hiding his talent in the earth, invests it in lands and labor; he throws it around him in such a manner as not only to contribute to the enjoyment of himself and family, but to the support and welfare of thousands of laborers who share his protection. Instead of throwing the drudgery and hardships of the plantation labor and household affairs upon his sons, his wife and daughters, and making servants of his own wife and children, he buys servants for them "*with his money*," and sends his children away to school, where they are constantly kept till they are grown; and by means of travelling, observation, and a variety of association, by the time they have completed their education they have acquired something of a knowledge of the world, of mankind—something of the accomplishments of ladies and gentlemen. And hence, at home and abroad, they live and move in higher and more intelligent and refined circles of society.<sup>1</sup>

With these reasons for our faith, with these claims to our rights, we conclude with a few remarks upon the future prospects of the Union, and the duty and destiny of the South.

It is not the province of philosophy to predict, though thousands of false prophets and croaking soothsayers have arisen to prophesy in the sacred name of America, to cast the horoscope of the Union; to fix the bounds of its perpetuity, and set the time for its dissolution. Yet we see no immediate reason to fall in the wake of this multitude of funereal pipers and pall-bearers, who have been so long knolling the death-knell of its existence.

Yet facts being given, results may be calculated, in the political as well as in the physical world, with some degree of certainty. It cannot be denied that sectional feelings are growing stronger; that the breach is constantly widening between the two nominal sections of the Union. Mason and Dixon's line is growing up to be "a middle wall of partition" between the North and the South, with the worst forms of political antagonisms and destructive elements raging on either side. As Mr. Calhoun well said, this schism first commenced in the Church. The clergy, in synods assembled, first commenced the undermining process of sundering the sacred ties that link the political existence of the States together, and of

<sup>1</sup> It is true, to the backwoods and frontier settlements these remarks are not strictly applicable; but it is not in consequence of slave labor, but rather for the want of it; where the slaves are most numerous, there is the highest degree of intelligence and refinement among the free population.

demolishing the constitutional bulwark of the nation's salvation. Conscience was the first mover and ruling genius of this holy crusade against the institution of slavery. This pious conflagration, fed by the combustible elements of fanaticism, bigotry, and intolerance, fanned by the fierce breeze of angry faction and political aspirations, spread from the clergy to the laity; from the pulpit it caught upon the forum, the bar, and the stump, and now permeates the body politic. It has become the stale theme of every deluded theorist, blinded bigot, and misguided zealot, that now infests the community. It has been caught up as the hobby of a host of disappointed politicians and cast-off demagogues, with an army of foragers, sutlers, and camp-followers, driven from every quarter where they have pitched their camp, yet still striving to rally their scattered and dismantled forces around the sable standard of negro philanthropy. The facts that are now transpiring, the history that has been forming around their footsteps, forcibly remind us of the early days of the French Revolution. France had her Robespierre, her Mirabeau, Danton, and Marat: they instilled their licentious and corrupting influences into the public mind, inflaming the basest and worst passions of the mob, till they broke out in those terrible eruptions of popular fury that drenched the streets of Paris with blood. So the Abolitionists, arrayed in treasonable warfare against the peaceful execution of the laws of the land, in the attempted rescue of the fugitive Burns, could congregate an infuriated mass, like deluded crusaders enlisting under the banner of the Cross for the Holy Wars, with minds already wrought up to a pitch of desperation that required but a single spark to explode a magazine, that would have drenched the streets of Boston, like those of Paris, with the blood of her citizens. The slaying of one who fell, on that memorable occasion, in the faithful discharge of his duty, has left a stain upon the spot where he paid the forfeit of his life, that will never be obliterated from unprejudiced minds. But they have left the cries from the blood of the martyr Bachelor to go up from his grave unheard, except by other ears. All, all in Boston! "*A mob in Boston?*" Where the great Abolitionist, George Thompson, narrowly escaped with his life, as the secret emissary of a foreign foe; where William Lloyd Garrison was once dragged along the streets, like a felon hurried on to the gallows, as a preacher of sedition. But the names of the Garrisons, the Tappans, the Parkers, the Beechers, *et al omne genus* — names that, in the days of the martyr Lovejoy, the rebel refugees of Lane Semi-

nary, and the fire and blood of the mobs and riots to suppress abolition, were branded with the broad seal of public infamy, are now heralded forth as the great apostles of freedom.<sup>1</sup> They have been gradually swept along upon this swelling current of popular phrenzy, "to ride the whirlwind and direct the storm." This red revolution, with its fictions of suffering and tales of imaginary woe, has been long running its wild career, deluding the unwary by its weird appeal to their sympathies, beguiling the unsuspecting by its false charms, as in a beautiful summer evening when poison floats in the spicy gale, and the damps of disease descend in the pestilent vapors of the night: the most delicate and refined feelings are the surest victims of the exposure.

National and state societies have long been in operation, with their auxiliaries and sub-auxiliaries throughout various portions of the Free States; their treasuries have long been replenished by public contribution, under the false pretence of promoting the cause of freedom. A thousand hireling agents and lecturers have been kept in the field, at fixed salaries, by these societies, to mislead and deceive the uninformed, and dupe them into the custom of often contributing large sums of money for the false and pretended object of benefiting the "*poor slave*;" but which has all been pocketed by these mercenary advocates of the cause—some of whom have accumulated large fortunes. Frequent quarrels have sprung up among them about the division of the spoils, or as to who shall be the constituted authority to handle the funds. Like schisms in the Church, divisions into old and new schools have arisen, as to some peculiar tenets in their creeds. Competition, the life of trade, sprang up; and each school, in striving to outdo the other in their great work, proclaimed, in flaming notices: "*A thousand travelling agents wanted, to travel, lecture, and take up collections for the glorious cause of Abolition, to whom liberal wages will be given.*"<sup>2</sup>

Tissues of falsehood and misrepresentation, in the form of

<sup>1</sup> Lovejoy was killed at Alton gill, by a mob, some twenty years ago, for publishing an abolition paper. The rebellion at Lane Seminary, by the students who were denied the privilege of discussing the subject of slavery, is well known. Lyman Beecher, the father of Edward and Harriet, was then president of that theological school.

<sup>2</sup> In 1835 or 1836, two separate abolition societies were organized, one in New York and one in Boston; and a fierce contest arose between them as to which was the constituted authority: both had numerous lecturers in the field, the States were generally districted, and each agent confined to one district, like patent agents and tin peddlers.



lectures, newspapers, books, pamphlets, and magazines, have been scattered broadcast through the land, and the people made to pay for sowing the seeds of discord and dissension in the bosom of the nation. As their capital and numbers have increased, new enterprises have sprung up, and new fields of operation been sought out; hence their large investments in underground railroad stocks, emigrant aid societies, and the bloody scenes upon the fields of Kansas.

Abolition, with all its infernal machinery, once persecuted and suppressed by the most rigorous mandates of public opinion, expelled from schools and seminaries of learning, hunted down, like a public enemy, by the most violent mobs and riots—now, being fostered and encouraged, is taking deep root in the sentiments and feelings of the rising generation. The war has been duly christened a holy war; religion has been more effectually pressed into the service; her churches have become places of Abolition gatherings upon the holy Sabbath; her vestries arsenals, and her pulpits political forums; where soldiers are enlisted and armed, not, as formerly, with the panoply of the Cross, but with Sharp's rifles for their Bibles, with broadswords for their plough-shares, and tomahawks for their pruning-hooks. Thus armed with the panoply of the cause, they are sent out to propagate the creed among the new settlements in the territories.

If devotion to our institutions be sinister and sinful, where shall we find a refuge from this charge of moral turpitude? Shall we fly to the Abolitionists? What do we find there but rottenness in their hearts, and basest hypocrisy and imposition in their professions? What do we find to be the secret springs of their actions, but the love of money and the love of power? Under the van of British gold and foreign influence, the one stirs the heart of the knave and the miser, the other prompts the zeal of the demagogue. Let Queen Victoria justly spurn *every* Abolitionist from her presence who becomes a fawning sycophant for royal honors, for preaching and writing treason against his native country; let the aristocracy of England despise them all as traitors; let Britain lock up her treasures to their calls, and turn them away; let the American people cease to be gulled into paying tribute to sow the seeds of desolation in the heart of the Union; and where would be found an Abolitionist? What would then become of this band of seditionists and disorganizers? They would all die of starvation, and their putrid carcases, morally and physically rotten, would poison and infect the atmosphere with their nau-

seous exhalations, worse than the victims of famine upon the plains of Bengal and the banks of the Ganges.

It has ever been the policy of England, since the reign of Elizabeth, to cultivate peace and amity with her friends at home, and to scatter discord and dissension among her enemies abroad. For this latter purpose, she has found the Abolitionists willing tools in her hands in this country. Who have poisoned the public mind with this frenzy? Who have wrought this change in public opinion and prepared the way for such damning deeds, even in the New England metropolis, and upon the sanguinary plains of Kansas? It is not alone such blasphemous miscreants as Theodore Parker, William Lloyd Garrison, Wendell Phillips, and the like; a multitude of "lesser lights" enlist under the banner to follow in the wake of this disorganizing triumvirate of treason and perfidy. Strong-minded women, even, are buckling on the armor of the faith and arraying themselves in battle-lines against the authority of "the powers that be." Many of the more conservative and professedly judicious, are unwilling to march in the front ranks, yet they are constant hangers-on, as secret minions and emissaries, giving countenance and aid to this Jacobin concourse, by furnishing supplies, enlisting volunteers, reconnoitering the fore-ground, lighting the camp-fires, standing sentinels, manning the out-posts, and acting as spies in the camp of the enemy. Men of every form of opinion, from the base and licentious tenets of the Infidel, Socialists, Non-resistants, and Freethinkers, like the Jacobins and Montaignards in the days of Louis XVI., to the most rigid school of the Orthodox faith, unite in this amalgamated collocation, like the union of Pilate and Herod, upon a common platform. Political Hotspurs and aspiring demagogues are beginning to see the importance of their numbers and to bid for their suffrage. Organized upon proscriptive principles of geographical limit in one section of the Union, their avowed object is to paralyze and destroy the power of the other. The foot-prints of Sylla or Mark Antony, in their pathway to the dictatorship of Rome, are not more distinctly marked in the history of the overthrow of that Republic, than those of the present Black Republican leaders in their recent attempt to usurp the reins of government, proscribe the slave-holder, destroy Southern institutions, and dissolve the Union.

Boisterous with their blood-thirsty philanthropy, and incendiary charity towards the South, their aim is to wrap her in

flames and stain her with blood.<sup>1</sup> The fanatical element which is leavening the North, with unrebuked audacity, avows this terrible purpose. The vindictive leader of this relentless crusade, when told that Abolition would blast the South and the South-West; would involve the whites in indiscriminate butchery, or drive them from their homes in despair and beggary, unsheltered from the pitiless blast, said: "Let those horrors come, though five hundred thousand lives should perish." This is a fiercer curse against the South than some Marat or Robespierre uttered against their opponents in the frenzied excesses of the French Revolution, when they declared that "a hundred thousand lives was a cheap sacrifice to establish a principle." It is more blood than the crown of the most inhuman tyrant has ever cost the world. This blood-hound instinct of fanaticism would proscribe the South and girdle her with a belt of fire, that the master and the slave might perish together of despair, blood, and conflagration. It cherishes nothing in its bosom but the most uncompromising and destructive elements of revolution. Self-preservation requires more watchfulness and stringent laws for the protection of the free; and the universal cry of the slave is, "Deliver us from our friends!" "because ye have made us to be abhorred in the eyes of Pharaoh and in the eyes of his servants, to put a sword into their hands to slay us."

The higher the excitement runs, the more the combat deepens; defeats, legislative and judicial rebukes, seem only to provoke bitter acrimony and a more frenzied zeal; again have their camp-fires been lighted upon a thousand hills; again are we threatened with a Black Republican flag in place of the star-spangled banner, with an Abolition President for our standard-bearer; again, and still are the Constitution and the laws threatened to be trampled in the dust; still are the wheels of Government threatened to be stopped, and Congress converted into a turbid pool where the highest interests of the nation may lie rotting in its stagnant waters. The storm is gathering thick and heavy upon our borders; we hear the low rumblings of the distant thunder; we see occasional flashes of its forked lightnings; and unless some intervening circumstance shall happily avert the impending calamity — the day, though distant it may

<sup>1</sup> Plans of insurrection in various localities in the Slave States were secretly laid by the slaves, in anticipation of the triumph of the Black Republicans in Nov. 1856. Great consternation prevailed among the inhabitants, and night patrols were kept, and every precaution used to detect these conspirators, some of which were successful.

be, is yet certain, that will provoke a retribution with its terrible revelations of fire and blood.

But, has the South no preparations to make for this eventful crisis? Cherishes she no disloyalty to her own institutions in her own bosom? Truth compels us to yield a reluctant affirmative to these queries. We read of some whose "enemies shall be those of their own household." Thousands there are, in the heart of the South, who live in the daily countenance of what they blindly acknowledge "*a great moral and political evil.*" These sickly panderers to their misguided notions of freedom, have studied only the anti-slavery code of morals, and the Abolitionist's Bible; they seem to dread the light, and constantly cry down all discussion upon the subject, and all attempts at the defence of the institution and the South, as though the Southern people were only to suffer in the contest. They claim only to be permitted to live in the peaceful enjoyment of these evils. They contend only for rights that are founded on self-acknowledged wrongs, and exist only in supporting and upholding a self-acknowledged sin. All such need to be enlightened as to their own rights and duties, and the true character and spirit of our institutions. All such need to read and reflect much to disabuse their minds of errors and misconceptions thoughtlessly adopted through the influence of the sophistry and misrepresentations of Abolition moralists and theologians, before they can enter, soul and spirit, into their own defence.

Is it to such that the South can safely look for the successful defence of her institutions? Can such "grapple" Southern interests "to their hearts with hooks of steel?" Will they ever be found in the front ranks of the battle, with all their prejudices, on the great day of trial? It is only the self-consciousness of rights to be defended, and of wrongs to be avenged, that nerves the arm of the injured and oppressed in the death-conflict of principles. It is this alone that inspires them with that breathless frenzy and indomitable zeal that ever urge on to certain victory. But consciousness of wrong gives a faint heart and a craven resolve to the bravest soldier. Guilt makes cowards of the boldest heroes. Hence the coward and traitor are always those who have nothing at issue in the conflict or are forcibly enlisted in a bad cause. The day is coming when every man must record his vote and man his post. "He that is not for us is against us: He that gathereth not with us, scattereth abroad."

Dwells there an American heart in this section of the Union

that would hesitate or waver in its support of our institutions ; let that heart be purified, or let it cease to be American !

Lo ! we hear much of "the aggressions of the South upon the North." But who can point out the fact ? If equal privileges and equal rights under the Constitution be aggression, then the charge may justly lie at the door of the South. We ask no legislative boon, no legislative extension or protection, we ask only to be exempt from unconstitutional interference with our property, interests, and rights ; if this be aggression in the eyes of any one, "let him speak, for him have we offended." If to claim the privileges of freemen, and the rights and immunities of the independent principles of self-government under the Constitution, be aggression, forever be it so ; we deny not the accusation. If to claim our right to life, liberty, and property, under the law, wherever we may go, be aggression, then only do we plead guilty to the charge.

Shall the South then "train her tongue to honeyed words," and her sons to dastardly coalescence and submission ? Is there not one drop of the pure New England and Virginia blood of the Revolution left in her veins ? Do we mean to submit tamely to the measures of the Abolitionists, the repeal of the fugitive slave law, exclusion from the territories, and all ? "Shall we still lie supinely on our backs hugging the delusive phantom of hope till our enemies have bound us hand and foot ?" "Will gentlemen still cry peace ! peace ! when there is no peace," but in the surrender of our liberty and our property ? Will they still cry Union ! Union ! when there is no Union, but in submission to the worst forms of political proscription and despotism ? "Is any man so weak as to hope for a reconciliation that would leave neither safety to our own lives nor to our own property ?" Is any man so humble as to ask for peace upon such ignominious terms as this ? Is any man so craven as to hope for union while union is but an empty form for political oppression ? While the Union is based upon the principles of the Federal compact, observed and carried out ; while it stands upon the well-constructed pillars of Constitutional liberty and equality, with the national banner streaming free from its summit ; palsied be the hand that would mar or mutilate the beauty of the edifice. But whoever shall undermine and sap this foundation, while the superstructure is tottering upon its sinking basement, let us flee from it lest we be crushed by the fall of its crumbling fragments. If the North are so blind to their own interests as obstinately to persist in their injustice, till they have forced a dissolution of the Union,

and driven us to arms, then let the call go forth for a new Declaration of Independence, a new Bill of Rights, and a new Constitution. If, then, as the last alternative, we must fight, "let it come," and let every sword leap from its scabbard, "resolved to maintain it, or to perish upon the field of honor." Will Southern gentlemen then stand, like hunted victims, while prairie flames are closing around them in narrowing and still narrowing circles, motionless and helpless, crying Union and Peace! No: "light but the torch, and every true son of the South will burst through the wall of fire, though the flames should shrivel their sinews and blast their eyeballs, resolved to fall, if fall they must, struggling, blindly it may be, but struggling like men." Not that we love the Union less, but liberty and equal rights the more. The Union, so long as it can be maintained upon the high principles of the Constitution, is justly held sacred in the bosom of every true American patriot; in the language of the immortal Webster, "Liberty and Union forever one and inseparable." But we must add, Union and Despotism forever twain and incoherent.

# APPENDIX.

## TABLE I.

*Showing the comparative number of Farmers, Carpenters, Merchants and Students, in each Free and Slave State, that approximate nearest to an equality in their number of free population. As, for instance, Rhode Island is compared with Arkansas, New Jersey with Alabama, &c.*

Names of States.	Number of Free Whites.	Number of Farmers.	Number of Carpenters.	Number of Merchants.	Number of Students.
Rhode Island .....	143,875	8,398	2,287	878	413
Arkansas.....	162,189	28,838	685	563	307
New Jersey.....	465,507	32,392	5,422	2,615	942
Alabama.....	426,514	66,610	1,976	2,468	2269
Connecticut.....	363,099	31,756	2,755	2,046	1259
Mississippi.....	295,718	44,873	1,438	1,506	2284
Massachusetts.....	985,450	55,082	15,336	5,338	2622
Virginia .....	894,800	106,807	8,038	4,621	3125
Maine .....	581,813	77,016	5,038	2,066	692
North Carolina.....	553,028	81,808	2,476	1,931	2095
Wisconsin .....	304,736	40,865	3,639	1,231	207
Louisiana.....	255,491	11,697	4,575	3,958	598
Iowa.....	191,881	32,716	1,871	835	68
Texas .....	154,034	25,051	1,361	985	347
New York .....	3,480,084	311,591	34,781	18,031	2572
Va., Ky., Tenn., Ga. ...	3,134,621	421,827	19,707	12,614	9000
Illinois .....	846,034	140,894	6,523	2,558	703
Virginia .....	894,800	106,807	8,038	4,621	3125
Ala., Tenn., Ky. ....	2,044,763	380,266	10,361	8,032	6213
Ohio. ....	1,955,650	269,690	21,909	8,012	2659
Ga., N. C., S. C., Va. ...	2,243,963	302,932 <sup>1</sup>	.....	.....	.....
Pennsylvania .....	2,258,160	206,347	.....	.....	.....

<sup>1</sup> But this estimate gives the population of the Free States the advantage of all their great cities and hordes of foreigners, and at the same time excludes all the slaves employed in the Slave States.

TABLE II.

*Showing the difference in the Number of Free White Population in States, compared in the preceding Table, also the number of slaves employed in each of the Slave States, comparative number of persons engaged in industrial pursuits, different acres of land improved, bushels of corn, value of live stock, &c.<sup>1</sup>*

Names of States.	Excess of Population in States Specified.	Industrial pursuit.	Difference as before.	No. of Slaves employed in Slave States.	No. of acres improved lands.	No. of bushels of Corn.	Value of Live Stock.
Arkansas .....	18,282	40,785	.....	58,168	781,530	8,891,939	6,647,000
Rhode Island.....	.....	43,478	2,686	.....	356,487	539,201	1,532,000
Connecticut .....	67,381	97,010	21,928	.....	1,768,178	1,935,043	7,417,000
Mississippi.....	.....	75,082	.....	309,878	3,445,558	22,446,552	19,903,000
Massachusetts .....	90,650	295,300	68,425	.....	2,133,436	2,345,490	9,647,000
Virginia .....	.....	236,875	.....	472,528	10,360,135	35,254,318	33,656,000
Maine .....	38,785	162,711	26,324	.....	2,039,596	1,750,056	9,705,000
North Carolina .....	.....	139,387	.....	288,584	5,453,975	27,941,051	17,717,000
Wisconsin .....	50,245	78,139	971	.....	1,045,499	1,988,979	4,897,000
Louisiana .....	.....	77,168	.....	244,809	1,590,025	10,266,373	11,152,000
Illinois.....	47,847	49,816	6,459	.....	824,682	8,656,799	3,689,000
Texas .....	.....	42,856	.....	58,161	643,976	6,028,876	10,412,000
New York.....	34,663	388,294	179,863	.....	12,408,964	17,858,400	73,570,000
Va., Tenn., Ky. Ga. ....	.....	208,431	.....	1,304,650	27,882,075	177,000,000	130,500,000
Illinois ....	48,761	215,389	.....	.....	5,039,545	51,646,894	24,207,000
Virginia .....	.....	226,875	11,816	472,528	10,360,135	35,256,319	33,656,000
Tenn., Ky., Ala.....	89,713	459,782	71,010	793,284	15,519,057	89,000,000	80,500,000
Ohio .....	.....	530,792	.....	.....	9,851,493	59,000,000	44,120,000
Pennsylvania.....	4,137	680,644	102,590	.....	8,628,619	19,000,000	41,500,000
Ga., N. C., S. C., Va. ....	.....	578,054	.....	1,527,742	26,265,259	120,000,000	92,500,000
New Jersey .....	38,932	128,740	28,213	.....	1,767,911	8,759,704	10,672,291
Alabama .....	.....	100,467	.....	342,844	4,435,614	28,754,048	21,691,112

<sup>1</sup> The results of these tables give us some idea of that "sterility" that "tracks the foot-prints of the slave as it did those of Attila's horse." This assertion is no less false and unfounded in fact than a thousand others that obtain a free circulation as current truths among the ignorant and misinformed upon this subject. Look at the comparative number of acres of land improved by equal numbers of slave and free population, the number of bushels of corn raised, and the amount in value of live stock! bread and meat—then say if sterility tracks the slave. Verily, "He that is despised and hath a servant is better than he that honoreth himself and lacketh bread."—Prov. Where can be found in the statistics of the Free States such evidence of national progress as is furnished by the history of the Slave States. Look at the amount of lands taken up, rapid increase of products, amount of exports, &c., compared with the Free States.



TABLE III.

*Showing the comparative number of Acres of Land taken up and purchased of the Government by the new Slave and Free States.*

New Slave States.	Improved and Unimproved.	New Free States.	Improved and Unimproved.
Alabama .....	11,595,289	Ohio .....	17,997,473
Arkansas .....	2,595,281	Michigan .....	4,373,890
Florida .....	1,595,287	Wisconsin .....	2,976,638
Mississippi .....	10,840,319	Iowa .....	2,736,064
Louisiana .....	5,787,410	Illinois .....	12,035,439
Texas .....	11,496,339	California .....	4,189,985
Tennessee .....	18,784,032	Indiana .....	12,795,922
Kentucky .....	16,752,448		
Missouri .....	9,732,670		
Total .....	89,219,341	Total .....	57,105,911

Excess in favor of the new Slave States..... 32,113,430 acres.<sup>1</sup>

TABLE IV.

*Showing the number of Population, Churches, Natives unable to Read and Write, and Criminals in ten of the Northern and ten of the Southern States.*

Names of States.	Population.	No. of Churches.	Natives unable to read and write.	Criminals.
Maine .....	583,169	945	2,134	62
Massachusetts .....	994,514	1,475	1,861	301
New Hampshire .....	317,976	626	945	77
Vermont .....	314,120	599	616	39
Connecticut .....	370,792	730	1,293	145
Rhode Island .....	147,545	228	1,248	24
New York .....	3,097,394	4,134	30,670	1080
New Jersey .....	489,555	813	12,787	135
Pennsylvania .....	2,311,786	3,566	51,283	202
Delaware .....	91,532	180	9,777	6
Totals .....	8,718,383	13,300	112,614	2171

<sup>1</sup> The value of the cotton in the Slave States increased from 1791 to 1851, sixty years, from \$52,000 to \$112,315,317; and the total amount of their exports in the same time, from about \$60,000,000 to \$130,000,000, while the total exports of the Free States at that date, was only about \$65,000,000. Thus have the Slave States nearly doubled the Free States in the increased amount of their exports, in the public lands that they have taken up and improved, in the amount of cotton and corn, and in the value of their live stock. And yet we are told by Charles Sumner, of Massachusetts, that "Sterility tracks the slave." (See sup. p. 373.) We will next present some facts showing the influence of slavery upon public morals.

TABLE IV. — *Continued.*

Names of State	Population.	No. of Churches.	Natives unable to read and write.	Criminals.
Maryland .....	583,034	909	38,426	200
Virginia .....	1,421,661	2,383	87,383	188
North Carolina .....	869,039	1,795	80,083	14
South Carolina .....	668,507	1,182	16,460	19
Georgia .....	906,185	1,862	41,261	85
Alabama .....	771,623	1,373	33,853	23
Mississippi .....	606,526	1,016	13,447	81
Louisiana .....	517,762	306	18,339	160
Tennessee .....	1,012,717	2,014	78,114	187
Kentucky .....	982,407	1,845	67,359	141
Totals .....	8,329,459	14,685	474,725	1098

Though the ten Southern States have nearly half a million less population, they have over 1000 more churches than the Northern States: though among the latter are included that portion of the Union most famed for religion and morality. The ten Northern States have twice as many criminals as the ten Slave States, though the latter have four times as many persons unable to read and write.

It may be said that the above table includes those Northern States having the largest seaports in the Union, where an undue portion of vice and crime abound in consequence of the foreign population. But we may strike out New York and Massachusetts, and the result is not changed.

Names of State.	Population.	No. of Churches.	Natives unable to read and write.	Criminals.
New Hampshire .....	317,976	625	945	77
Vermont .....	314,120	599	616	39
Connecticut .....	370,792	734	1,293	145
Rhode Island .....	147,545	228	1,248	24
Totals .....	1,150,433	2187	4,102	285
North Carolina .....	869,039	1785	80,083	14
South Carolina .....	668,507	1182	16,460	19
Georgia .....	906,185	1862	41,211	85
Alabama .....	771,623	1373	33,853	23
Totals .....	3,215,354	6212	171,657	141

TABLE IV. — *Continued.*

Here the number of criminals is twice as great in the four New England States, containing no great cities, as in the four Southern Atlantic States with a population three times that of the said Free States, and with the number who cannot read and write, fifty times as great. Vary the estimation as you will, the result is the same.

Names of States.	Population.	No. of Churches.	Natives unable to read and write.	Criminals.
New Hampshire.....	317,976	626	945	77
Connecticut.....	370,792	731	1,293	145
Totals .....	688,768	1360	2,238	222
Mississippi.....	606,526	1016	13,447	81
Missouri .....	682,014	880	34,917	108
Totals .....	1,288,570	1896	48,364	189
Connecticut.....	370,792	.....	1,293	145
Virginia .....	1,421,661	.....	87,383	188
Massachusetts.....	994,514	.....	1,861	301
Tennessee .....	1,002,717	.....	78,114	187

These facts, unless they can be controverted, must forever put to silence the eternal uproar, din, and commotion of the Abolitionists about the baneful influence of slavery upon the public morals; and no traveller who has become at all acquainted with the general characteristics of the people at the North and at the South will be surprised at these results. That there should be a greater proportion of persons unable to read and write in these comparatively newly-settled States, where the population is yet too sparse to support schools, would be naturally expected. But that there should be a purer cast, a higher standard of public morals, and such a disproportion of crime, can be accounted for upon no other principles than the purifying influences of the manners and customs that prevail.

The foregoing tables have all been carefully prepared from the Census Book of 1850, and from extracts from De Bow's Review (June, 1854).

THE END.







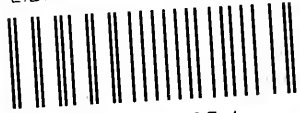








LIBRARY OF CONGRESS



0 011 899 695 1